

Volume 28, Number 13
Pages 1169-1242
July 1, 2003



MATT BLUNT

SECRETARY OF STATE

MISSOURI REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or “official” without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

MATT BLUNT

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

•

EDITORS

BARBARA McDUGAL

JAMES MCCLURE

•

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

TIFFANY M. DAVIS

PUBLISHING STAFF

WILBUR HIGHBARGER

HEATHER M. DOWNS

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo 2000. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sosmail.state.mo.us.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson



IN THIS ISSUE:

EMERGENCY RULES

Department of Transportation	
Missouri Highways and Transportation Commission	1173

PROPOSED RULES

Department of Economic Development	
State Board of Pharmacy	1177
Department of Elementary and Secondary Education	
Division of Administrative and Financial Services	1180
Vocational and Adult Education	1181
Department of Transportation	
Missouri Highways and Transportation Commission	1182
Department of Revenue	
Director of Revenue	1189
Department of Health and Senior Services	
Missouri Health Facilities Review Committee	1189

ORDERS OF RULEMAKING

Department of Agriculture	
Plant Industries	1207
Department of Economic Development	
Division of Finance	1209
State Board of Nursing	1212
State Board of Pharmacy	1212
State Committee of Psychologists	1212
Department of Elementary and Secondary Education	
Division of Administrative and Financial Services	1212
Division of School Improvement	1212
Department of Labor and Industrial Relations	
Division of Employment Security	1213
Labor and Industrial Relations Commission	1213

Department of Public Safety	
Division of Fire Safety	1214
Missouri State Highway Patrol	1215
Department of Social Services	
Division of Medical Services	1215
Retirement Systems	
The Public School Retirement System of Missouri	1215
Department of Health and Senior Services	
Missouri Board of Nursing Home Administrators	1216

IN ADDITIONS

Department of Economic Development	
Division of Credit Unions	1219

DISSOLUTIONS	1220
---------------------	------

BID OPENINGS

Office of Administration	
Division of Purchasing	1222

SOURCE GUIDES

RULE CHANGES SINCE UPDATE	1223
EMERGENCY RULES IN EFFECT	1231
EXECUTIVE ORDERS	1232
REGISTER INDEX	1233

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
April 1, 2003	May 1, 2003	May 31, 2003	June 30, 2003
April 15, 2003	May 15, 2003	May 31, 2003	June 30, 2003
May 1, 2003	June 2, 2003	June 30, 2003	July 30, 2003
May 15, 2003	June 16, 2003	June 30, 2003	July 30, 2003
June 2, 2003	July 1, 2003	July 31, 2003	August 30, 2003
June 16, 2003	July 15, 2003	July 31, 2003	August 30, 2003
July 1, 2003	August 1, 2003	August 31, 2003	September 30, 2003
July 15, 2003	August 15, 2003	August 31, 2003	September 30, 2003
August 1, 2003	September 2, 2003	September 30, 2003	October 30, 2003
August 15, 2003	September 15, 2003	September 30, 2003	October 30, 2003
September 2, 2003	October 1, 2003	October 31, 2003	November 30, 2003
September 15, 2003	October 15, 2003	October 31, 2003	November 30, 2003
October 1, 2003	November 3, 2003	November 30, 2003	December 30, 2003
October 15, 2003	November 17, 2003	November 30, 2003	December 30, 2003
November 3, 2003	December 1, 2003	December 31, 2003	January 30, 2004
November 17, 2003	December 15, 2003	December 31, 2003	January 30, 2004
December 1, 2003	January 2, 2004	January 30, 2004	February 29, 2004
December 15, 2003	January 15, 2004	January 30, 2004	February 29, 2004

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948	Kinderhook Regional Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Southern State College Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9770	ESTEP Library Southwest Baptist University 1601 S. Springfield Street Bolivar, MO 65613-2597 (417) 326-5281
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2756	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3075	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6292	
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	River Bluffs Regional Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 3—Utility and Private Line Location
and Relocation

EMERGENCY RESCISSION

7 CSR 10-3.040 Division of Relocation Costs. This rule provided a uniform system for the designation of cost responsibility for a utility relocation.

PURPOSE: *The commission is rescinding this rule and will work towards adopting a new rule that more clearly provides for the designation of cost responsibility.*

EMERGENCY STATEMENT: *This emergency rescission will rescind rulemaking intended to clarify the cost responsibilities associated with the relocation of utilities. On October 7, 2002, the commission filed proposed rulemaking. The proposed rulemaking was published November 15, 2002, in the *Missouri Register*. Comments to the proposed rulemaking were received from three (3) separate utility companies. An order of rulemaking was published in the *Missouri Register*. The rule was published in the April 30, 2003 *Code of State Regulations*. However, prior to the rule becoming effective, the Missouri Energy Development Association (MEDA) and the Missouri*

*Telecommunication Association (MTA), and various other utility companies expressed strong opposition to the rulemaking before the Joint Committee on Administrative Rules. Due to the controversy of the proposed rule expressed by the utility industry and members of the general assembly, and in order to preserve a compelling governmental interest, the commission desires to rescind the controversial rule. The scope of this emergency rescission is limited to address the circumstances creating the emergency and requiring the emergency action. The commission believes this emergency rescission is fair to all interested persons and parties under the circumstances, and will comply with the protections extended by the *Missouri* and *United States Constitutions*. A proposed rescission covering this same material is published in this issue of the *Missouri Register*. This emergency rescission was filed June 6, 2003, effective June 16, 2003 and expires February 26, 2004.*

AUTHORITY: *sections 226.020 and 227.240, RSMo 2000. Original rule filed Oct. 7, 2002, effective May 30, 2003. Emergency rescission filed June 6, 2003, effective June 16, 2003, expires Feb. 26, 2004. A proposed rescission covering this same material is published in the this issue of the *Missouri Register*.*

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 25—Motor Carrier Operations

EMERGENCY RULE

7 CSR 10-25.010 Skill Performance Evaluation Certificates For Commercial Drivers

PURPOSE: *This rule implements the provisions of section 622.555, RSMo, as enacted by House Bills No. 1270 and No. 2032, 91st General Assembly, Second Regular Session, 2002, by prescribing requirements relating to applications for skill performance evaluation certificates, and the issuance, renewal, suspension and revocation of those certificates by the commission. These certificates authorize certain individuals, who cannot satisfy the physical qualifications generally required by federal regulations, to drive commercial motor vehicles in intrastate commerce if they satisfy alternative requirements which demonstrate their ability to maintain an equivalent or greater level of safety while operating commercial motor vehicles.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

EMERGENCY STATEMENT: *For the reasons described below, the commission finds that there is an immediate danger to the public health, safety or welfare, which requires emergency action in the adoption of this rule, and that this rule is necessary to preserve a compelling governmental interest that requires an early effective date as permitted in section 536.025, RSMo 2000.*

The commercial transportation industry throughout the country, including Missouri, has been suffering an ongoing shortage of qualified drivers to operate commercial motor vehicles (CMVs). Not long ago, for example, in a notice of proposed rulemaking relating to Commercial Drivers License Standards, the Federal Motor Carrier Safety Administration (FMCSA) estimated the driver shortage in the motor carrier industry to be eighty thousand (80,000) drivers. See 66 FedReg 22499, at 22505 (May 4, 2001). "A serious shortage currently exists in some segments of the trucking industry that could disrupt a significant portion of our fine-tuned distribution system. It's not a freight or equipment shortage; surprisingly, it's a shortage of men and women qualified to drive trucks. . . . In fact, the trucking industry expects to need eighty thousand (80,000) new drivers each year for the next decade." Professional Truck Driver Institute, Inc., *Careers in Trucking*, "America Needs More Drivers," <http://www.ptdi.org/careers/america.htm> (April 29, 2003).

One factor contributing to this driver shortage is that the Federal Motor Carrier Safety Regulations (FMCSRs) impose, under 49 CFR section 391.41, high standards for commercial driver qualifications, including strict physical qualifications for drivers of CMVs. These requirements are generally made applicable by Missouri law to drivers of CMVs on public highways in both intrastate and interstate commerce. See sections 307.400 and 390.063.6, RSMo 2000.

The commission finds that the early adoption of this rule would help to alleviate this commercial driver shortage, by implementing a medical exemption program pursuant to section 622.555, RSMo Supp. 2002, which would enable approximately seventy-nine (79) additional persons immediately to qualify to drive CMVs in Missouri intrastate commerce. This emergency action also could enable other persons with amputated and impaired limbs, or with impaired vision, more quickly to apply for intrastate skill performance evaluation (SPE) certificates and, after demonstrating their individual abilities to do so in a safe manner, to become legally qualified to operate CMVs in Missouri intrastate commerce.

The FMCSA reported to the Missouri Department of Transportation (department) that currently there are twenty-five (25) individuals in Missouri to whom it has granted vision exemptions, which authorize those individuals to operate CMVs in interstate commerce, notwithstanding that they cannot satisfy the vision standards generally prescribed for commercial drivers by 49 CFR 391.41(10). In addition, FMCSA reported that there are currently fifty-four (54) individuals in Missouri to whom it has granted SPE Certificates, which authorize those individuals to operate CMVs in interstate commerce, without which they would not satisfy the qualification standards generally prescribed by 49 CFR 391.41(b)(1)-(2), because of limb impairments or amputations. However, state law generally precludes these federally-certified drivers from lawfully operating CMVs in intrastate commerce, because Missouri has not yet implemented any medical exemption program for intrastate drivers that corresponds with and complements these FMCSA programs for interstate drivers.

This rule is urgently needed to implement the provisions of section 622.555, RSMo Supp. 2002, so that these seventy-nine (79) qualified persons, who have already demonstrated to FMCSA's satisfaction their capability to operate CMVs safely, will have the opportunity to obtain state exemptions from the driver physical qualification requirements to operate CMVs in intrastate commerce. Upon the effective date of this emergency rule, these seventy-nine (79) "pre-qualified" persons would immediately become eligible to apply, pursuant to section (8) of this emergency rule, for the immediate issuance of an intrastate SPE certificate authorizing them to operate CMVs in intrastate commerce. Emergency action would enable these additional, qualified drivers immediately to begin operating CMVs in intrastate commerce, and would make them available to motor carriers to help alleviate the continuing shortage of qualified commercial drivers. Enabling these persons to obtain state certification to drive

CMVs in intrastate commerce, through this emergency rule, will immediately expand their employment opportunities beyond just interstate driving, by authorizing them to drive in intrastate CMV operations also.

If the emergency rule were not approved, then these seventy-nine (79) individuals, who have already been pre-qualified by applying for and obtaining either SPE certificates or vision exemptions from FMCSA, would have to wait at least six (6) months or more for the proposed rule to become effective, before they could apply for and obtain SPE certificates authorizing them to drive intrastate CMVs. That would unfairly and unnecessarily disadvantage these qualified drivers, and the motor carrier industry, by continuing to exclude these individuals from intrastate driving opportunities during the lengthy process necessary for the commission to adopt the corresponding proposed rule, when they have already demonstrated their capabilities to operate CMVs, the FMCSA has already authorized them to operate CMVs in interstate commerce, and Missouri's enactment of section 622.555, RSMo Supp. 2002 has recently provided statutory authority for the department to implement this medical exemption program. Therefore, emergency action is necessary to avoid the immediate danger to the public welfare which would result from unnecessary delays in implementing this intrastate medical exemption program for drivers of intrastate CMVs.

In addition, the emergency rule is urgently needed so that additional persons with vision problems, or impaired/amputated limbs, who are not yet known to the department, but who are otherwise qualified to drive CMVs, can be authorized to drive CMVs pursuant to the commission's issuance of SPE certificates. According to sources with the Division of Vocational Rehabilitation in the Missouri Department of Elementary and Secondary Education, the category of persons who might be eligible to apply for SPE certificates under Missouri's new program is expected to increase by approximately one and one-half percent (1.5%) annually. Aside from section (8) of this emergency rule (as discussed above), by making the remaining sections of the emergency rule applicable immediately, this rule would enable these other persons with limb impairments, amputations, or impaired vision, who do not yet possess FMCSA vision exemptions or SPE certificates, to quickly apply for the issuance of an intrastate SPE certificate, and to obtain expedited state approval after they have demonstrated their ability to operate CMVs safely in accordance with this rule. Therefore, the scope of this rule is limited to address the circumstances creating the emergency and requiring emergency action, which make it necessary for these persons to apply for and to obtain SPE certificates authorizing them to drive CMVs intrastate. This emergency rule is necessary to provide these physically challenged drivers with expanded employment opportunities at the earliest possible time.

Because of their vision impairments, or amputated or impaired limbs, many of these other persons who could apply for intrastate SPE certificates under this rule may be unemployed, and/or may have difficulty obtaining and keeping gainful employment due to their physical disabilities. These disabled persons may be dependent on the state government for financial aid or other assistance, through the Governor's Council on Disability, the Missouri Assistive Technology Council, and the Division of Worker's Compensation within the Department of Labor and Industrial Relations, and the Division of Vocational Rehabilitation within the Department of Elementary and Secondary Education. The state has a compelling governmental interest in promoting the employment of these disabled and dependent persons, because the gainful employment of these individuals could increase these citizens' ability to live independent and productive lives, and could decrease or end their dependence on state financial assistance. This rule is necessary to preserve this compelling governmental interest in promoting the employment of these disabled individuals, which requires and further justifies an early effective date for this rule as permitted pursuant to section

536.025, RSMo 2000.

Adopting this rule as an emergency rule is best calculated to assure fairness to all interested persons and parties under the circumstances, and will comply with the protections extended by the Missouri and United States Constitutions. Early adoption of this rule will not impose any burdens or obligations on any interested party, but will merely expand potential employment opportunities for certain persons with physical disabilities by instituting this new medical exemption program. The rule will not endanger the public because it requires the commission to scrutinize applicants for intrastate SPE certificates according to the same standards that the federal FMCSA has predetermined will adequately protect public safety with reference to interstate CMV drivers. Also, the enactment of section 622.555, RSMo Supp. 2002, has already generally provided public notice of the state's intention to implement an intrastate medical exemption program, and this rule will merely implement that program in accordance with the statute. The department has also extensively communicated with our federal counterparts at FMCSA, to coordinate this program with the federal agency's issuance of interstate SPE certificates and vision waivers, so that this emergency rule follows procedures that will complement and supplement the existing laws and the requirements of the federal vision waiver and SPE certificate programs.

A proposed rule, which covers the same material, is published in this issue of the Missouri Register. This emergency rule was filed June 6, 2003, effective June 16, 2003, and expires February 26, 2004.

(1) Definitions and Substitutions. Except when the context clearly suggests otherwise, the words and terms used in this rule, or in any federal regulation incorporated by reference in this rule, shall have the meaning stated in this section.

(A) Whenever the terms "application," "letter of application," "written request," or any similar terms used in the federal regulation refer to a document to be filed with a federal agency or official, the word "application" shall be substituted for those terms, which means a writing filed with the director, which shall contain all information required to complete the applicable form provided for that purpose by the department.

(B) Whenever the term "commercial motor vehicle" is used in the federal regulation, the term shall include any motor vehicle, or the operation or driver of any motor vehicle, within the jurisdiction of the commission pursuant to the provisions of section 226.008, RSMo.

(C) The word "commission" means the Missouri Highways and Transportation Commission.

(D) The word "department" means the Missouri Department of Transportation.

(E) The word "director" means the director of Motor Carrier Services of the Missouri Department of Transportation.

(F) Whenever the term "exemption" is used in or has reference to 49 CFR part 381, the term "SPE certificate" shall be substituted for the term "exemption." "SPE certificate" means a skill performance evaluation certificate, as defined in subsection 4 of section 622.555, RSMo.

(G) Whenever the term "FMCSA," "field service center, FMCSA" or any comparable term is used in the federal regulation, then the words "Missouri Department of Transportation, Motor Carrier Services" shall be substituted for those terms. If the federal regulation prescribes an address applicable to any of these terms, then the current business address of the director of Motor Carrier Services shall be substituted for that address.

(H) Whenever the terms "Federal Motor Carrier Safety Administrator," "Federal Highway Administrator," "State Director, FMCSA" or any comparable terms are used in the federal regulation, then the words "Missouri Department of Transportation, director of

Motor Carrier Services" shall be substituted for those terms. If the federal regulation prescribes an address applicable to any of these terms, then the current business address of the director of Motor Carrier Services shall be substituted for that address.

(I) Whenever the term "Federal Register" or any comparable term is used in the federal regulation, the term "Missouri Register" shall be substituted for that term.

(J) Whenever the word "interstate" is used in the federal regulation, the word "intrastate" shall be substituted for "interstate."

(2) Delegation of Authority. The commission authorizes the director to administer the skill performance evaluation program for intrastate drivers of commercial motor vehicles, as provided in section 622.555, RSMo, and this rule. The director, at his/her discretion, may delegate any part of this authority to other department personnel.

(3) Filing and Determination of Applications; Demonstration and Verification of Ability to Operate Commercial Motor Vehicles. Applications for an intrastate SPE certificate, and related documents, shall be filed with the director of Motor Carrier Services, at the current business address of the director. Every application shall include all information and supporting documents required by section 622.555, RSMo, this rule, and the latest form of "Application for Skill Performance Evaluation Certificate" and related instructions approved by the director, and any additional information reasonably required by the director.

(A) The director may dismiss, grant or deny applications for SPE certificates, in accordance with the provisions of section 622.555, RSMo, and this rule.

(B) The director may issue SPE certificates that include reasonable limitations, conditions, and requirements to protect public safety, or to promote the department's effective administration of SPE certificates, or both.

(C) At any time while an application is pending, or after the person is issued a SPE certificate, the director may require the person to demonstrate or verify the person's present ability to operate a commercial motor vehicle safely with his/her physical deficiency or impairment. These requirements may include:

1. Successfully completing a road test, using a commercial motor vehicle and associated equipment of the type which the applicant drives or seeks to drive pursuant to the SPE certificate;

2. Obtaining additional or periodic physical examinations by a physician or optometrist; and

3. Filing additional or periodic reports with the director concerning the person's medical or vision examinations, treatment, prognosis, employment, driving record, accidents, traffic violations, and other pertinent information.

(4) Limb Exemption. The commission incorporates by reference in this rule the provisions of 49 CFR section 391.49 (Alternative physical qualification standards for the loss or impairment of limbs), as those regulations have been and periodically may be amended. Except to the extent they are inconsistent with any provisions of section 622.555, RSMo, or of this rule, those regulations are hereby made applicable to the issuance of intrastate SPE certificates to persons who are not physically qualified to drive pursuant to paragraphs (1) or (2), or both paragraphs (1) and (2), of subsection (b) of 49 CFR section 391.41, because of the person's loss or impairment of one (1) or more of the following: a foot, leg, hand, arm, or any part thereof.

(5) Vision Exemption. The commission incorporates by reference in this rule the provisions of subpart A (General) and subpart C (Procedures for Applying for Exemptions) of 49 CFR part 381 (Waivers, Exemptions and Pilot Programs) of Title 49, *Code of*

Federal Regulations, and 49 CFR section 391.64 (Grandfathering for certain drivers participating in vision and diabetes waiver study programs), as those regulations have been and periodically may be amended. Except to the extent those regulations are inconsistent with any provisions of section 622.555, RSMo, or of this rule, those regulations are hereby made applicable to the issuance of intrastate SPE certificates to persons who are not physically qualified to drive pursuant to paragraph (10) of subsection (b) of 49 CFR section 391.41, because of impaired vision. Notwithstanding any provisions of 49 CFR part 381 to the contrary, this rule shall not authorize waivers or pilot programs, as defined in part 381.

(A) Every application filed pursuant to this section shall include one (1) or more affidavits describing the applicant's motor vehicle driving experience during the three (3)-year period immediately before the date of the application. Each affidavit shall contain all information required by the latest form of "Affidavit of Driving Experience" and pertinent instructions approved by the director.

(B) Notwithstanding any requirement of Title 49 CFR, or of any federal agency or officer made pursuant to Title 49 CFR, to the contrary, the director may determine that an applicant has adequately demonstrated the ability to operate a commercial motor vehicle safely with the vision impairment for the three (3)-year period immediately before the date of the application, if the director reasonably finds that:

1. During that three (3)-year period, the applicant safely and continuously operated commercial motor vehicles, or other motor vehicles licensed and used on public highways, with the vision impairment; and

2. If the driving experience required by paragraph 1 of this subsection was not performed in a commercial motor vehicle, then within sixty (60) days immediately before the date of the application, or while the application is pending, the applicant has successfully completed a road test as provided in subpart D of 49 CFR part 391, with the vision impairment, using a commercial motor vehicle and associated equipment of the type which the applicant seeks to drive pursuant to the SPE certificate.

(6) Other Physical Deficiencies. Persons who are physically unqualified to drive commercial motor vehicles pursuant to any provision of 49 CFR section 391.41(b), except paragraphs (1), (2) and (10), may apply for intrastate SPE certificates, and the director may issue intrastate SPE certificates to those applicants, only if:

(A) The Federal Motor Carrier Safety Administration (FMCSA) is currently administering a program for issuing SPE certificates, or exemptions from the physical qualification requirements, to interstate drivers who are physically unqualified because of the same physical deficiency or impairment affecting the applicant;

(B) The applicant files an application for SPE certificate with the director, which conforms to all applicable requirements of section 622.555, RSMo, and this rule, and conforms to the same standards and procedures that are applicable under FMCSA's comparable interstate SPE certificate or exception program, as modified and supplemented by any applicable provisions of section 622.555, RSMo, or this rule.

(7) Multiple Physical Conditions. The director may deny applications for SPE certificates, and may suspend or revoke SPE certificates, regarding any person who is not physically qualified pursuant to the requirements of two (2) or more separate paragraphs within subsection (b) of 49 CFR section 391.41, except a person who is physically unqualified only pursuant to paragraphs (1) and (2) of that subsection.

(8) Federal Exemption or SPE Certification. Upon the filing of an application containing such information as the director may require, the director may waive any procedural requirements pursuant to this

rule and shall issue an intrastate SPE certificate to any driver who is authorized to operate commercial motor vehicles in interstate commerce by a currently valid SPE certificate or vision exemption issued by the FMCSA. Each SPE certificate issued pursuant to this section shall be conditioned upon the driver's continued possession of the federal SPE certificate in good standing, and the driver's compliance with all applicable requirements, including all conditions specified in the driver's federal SPE certificate, and any other conditions imposed by the director.

(9) Operation in Conformity with Terms of SPE Certificate. No person shall operate a commercial motor vehicle by authority of any SPE certificate issued pursuant to this rule, unless the vehicle is operated in conformity with all limitations, requirements and other terms specified in that SPE certificate.

(10) Suspension and Revocation. For good cause, the director may revoke a person's SPE certificate after notice and an opportunity for hearing before the Administrative Hearing Commission, or may suspend the certificate until it is determined whether the certificate should be revoked.

AUTHORITY: sections 226.008 and 622.555, RSMo Supp. 2002. Emergency rule filed June 6, 2003, effective June 16, 2003, expires Feb. 26, 2004. A proposed rule covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 220—State Board of Pharmacy Chapter 5—Drug Distributor

PROPOSED AMENDMENT

4 CSR 220-5.020 Drug Distributor Licensing Requirements. The board is proposing to amend section (1), add new language in subsections (1)(C) and (1)(D) and amend subsection (4)(A).

PURPOSE: *This amendment redefines the term "wholesale drug distributor," requires that licensed drug distributors purchase only from other licensed drug distributors; compiles current fax numbers of licensees in order to establish a fax communication system so that information about unlicensed entities may be communicated to*

licensed drug distributors.

(1) *[As defined in section 338.315, RSMo, pharmacies and all individuals employed by pharmacies shall purchase or receive legend drugs only from a licensed or registered drug distributor or licensed pharmacy. For purposes of this rule, the term drug distributor is used to define anyone engaged in an activity as defined in section 338.330, RSMo. Drug distributors as defined in 338.330, RSMo, shall only purchase or receive legend drugs and drug related devices from a licensed or registered drug distributor or licensed pharmacy.]* A "wholesale drug distributor" is defined in section 338.330(3), RSMo. No wholesale drug distributor with physical facilities located in the state of Missouri shall knowingly purchase or receive legend drugs and/or drug related devices from a wholesale drug distributor or pharmacy not licensed or registered by the board. A wholesale drug distributor with physical facilities located in the state of Missouri will be deemed to have knowledge of the unlicensed or unregistered status of another wholesale drug distributor upon notification from the board by mail or electronic facsimile transmission (FAX).

(C) Wholesale drug distributors shall inform the board of their current FAX number, any change in FAX number, and/or the fact that the wholesale drug distributor does not have a working FAX. In the event a wholesale drug distributor notifies the board that the wholesale drug distributor does not have a working FAX, notification from the board will be made to the wholesale drug distributor by first class mail. For the purposes of this rule, such notification by mail shall be considered effective three (3) days after mailing and shall have the same effect as notification by FAX.

(D) Failure to receive notification from the board shall not be a defense to violations of section (1) of this rule when the wholesale drug distributor has failed to comply with the requirements of subsection (1)(C) of this rule.

(4) Drug distributor license applications and renewal applications shall be completed and submitted to the Board of Pharmacy along with the appropriate fees before any license is issued or renewed. Information required on the application shall include:

(A) The name, full business address, **electronic facsimile transmission number (FAX)** and telephone number of the licensee;

AUTHORITY: *sections 338.330, 338.333, 338.335, 338.337, 338.340 and 338.350, RSMo 2000. Original rule filed Feb. 4, 1991, effective June 10, 1991. Amended: Filed April 28, 1992, effective Feb. 26, 1993. Amended: Filed Jan. 27, 1995, effective Sept. 30, 1995. Amended: Filed March 15, 2000, effective Sept. 30, 2000. Amended: Filed Nov. 1, 2000, effective June 30, 2001. Amended: Filed April 6, 2001, effective Nov. 30, 2001. Amended: Filed June 16, 2003.*

PUBLIC COST: *This proposed amendment will cost the State Board of Pharmacy approximately three hundred dollars (\$300) for initial set up cost and approximately two thousand five hundred one dollars and eighty-eight cents (\$2,501.88) biennially for the life of the rule. It is anticipated that the cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or e-mail at pharmacy@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 220 - State Board of Pharmacy

Chapter: 5 - Drug Distributor

Proposed Amendment: 4 CSR 220-5.010 Drug Distributor Advisory Committee

Prepared May 5, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance
State Board of Pharmacy	\$2,501.88
Total Biennial Cost of Compliance for the Life of the Rule	
	\$2,501.88

III. WORKSHEET

Personal Service Dollars - The board anticipates 350 instate licensees will be required to report their fax numbers to the board office on the biennial renewal notice. Private entities will not incur additional cost to include this information on their renewal application. Upon receipt of the information, the Licensure Technician II will enter the fax numbers into the software program used to generate board communications. The board estimates that it will take approximately 3 hours to enter all the fax numbers. Additionally, the board estimates that 4 hours per month of the biennial period will be dedicated to updating the fax number communication system.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	HOURS TO INITIALLY UPDATE SYSTEM PER BIENNIAL PERIOD	TOTAL COST
Licensure Technician II	\$22,344.00	\$31,386.62	\$15.09	99	\$1,493.88
Total personal service costs associated with updating the fax number communication system per biennial period					\$1,493.88

Expense and Equipement Cost -

Modem and Software Program (initial \$300.00

Cost of sending faxed communications to all instate licensees is estimated at \$.06 per fax. The board estimates 350 instate distributors will receive 2 faxes per month during the biennial \$1,008.00

IV. ASSUMPTION

1. The number of instate licensees is based on actual figures from FY02 and projected figures in FY03.
2. Personal service dollars were calculated using the Licensure Technician's annual salary multiplied by 40.47% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then multiplied by the number of hours estimated updating the fax number communication system each biennial period.
3. The board estimates the initial set up cost for the modem and software program will be approximately \$300. This proposed amendment is estimated to cost the State Board of Pharmacy approximately \$2,501.88 for personal service expenses and the cost of sending faxed communications to instate licensees.
4. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Administrative and
Financial Services
Chapter 261—Pupil Transportation**

PROPOSED AMENDMENT

5 CSR 30-261.010 Requirements for the Operation of School Buses. The State Board of Education is proposing to amend subsections (1)(E), (3)(A), (5)(A), (5)(B), delete section (4) and renumber the remaining section, and delete the school bus accident report form that follows this rule in the *Code of State Regulations*.

PURPOSE: This proposed amendment will allow the Department of Elementary and Secondary Education to eliminate the School Bus Accident Report (3-260-011). In addition, ridership lists, ineligible and eligible miles, restrictions on blocking of aisles, and requirements of buses to be visible during loading and unloading are clarified.

(1) General Requirements for Approval of School Bus Transportation.

(E) Public school district boards of education shall provide for proper accounting of pupil transportation data and shall prepare and submit to the State Board of Education (**board**) necessary reports for apportioning state transportation aid and for statistical purposes.

1. A listing shall be made of pupils *[scheduled to be]* **regularly** transported on each board of education's approved routes on the second Wednesday of the month for the months of October and February.

2. The school district listing of pupils *[scheduled to be]* **regularly** transported by route must be signed and maintained by the superintendent of schools or an appointed designee.

(3) Driver Operation.

(A) A school bus driver shall/—/:

1. Observe carefully all signs, signals and rules of the road as provided by the Missouri Motor Vehicle Laws;

2. Follow these loading and unloading procedures/—/:

A. If school bus is equipped with a master switch, make sure the master switch is in the "on" position;

B. Activate prewarning amber flashing lights at least five hundred feet (500') before a designated stop;

C. When stopping for a designated stop, apply brakes hard enough to light up the brake lights so that vehicles behind the school bus will know it is slowing down;

D. Pull as far to the right as practicable on the traveled portion of the roadway and at a location so that the school bus is visible for at least three hundred feet (300') in both directions **or five hundred feet (500') if the speed limit is greater than sixty (60) miles per hour**. Check all mirrors to see that traffic is clear and it is safe to stop;

E. Approach waiting students with extreme care, paying attention to the surface on which the school bus will stop (dry, slippery, slopes right, rough ground, and the like). Bring the school bus to a complete stop so that the closest part of the school bus is not less than six feet (6') and not more than ten feet (10') from the closest student;

F. Place the transmission in neutral and set the parking brake as needed;

G. Deactivate the prewarning amber flashing lights and activate the red flashing warning lights and the stop arm when opening the service door after stopping;

H. Check traffic in front and rear of school bus before you give the students a hand signal that it is okay to cross the road. Drivers should train students not to approach the school bus until given a signal and to check traffic before crossing the roadway;

I. Require students who must cross the roadway after leaving the bus or before boarding the bus to cross a minimum of ten feet (10') in front of the bus and only upon a signal given by the driver, monitor or bus patrol when organized bus patrols are used; and

J. Have students go directly to their seats. When students are seated, check traffic and close the front door to deactivate the red flashing warning lights and stop arm;

3. Perform and prepare written documentation of the daily pretrip inspection which is to be submitted to the transportation administrator. Pretrip inspection of vehicle shall include brakes, steering components, lights, signaling devices, emergency door, tires and safety equipment, as a minimum. Any defects or deficiencies that may affect the safety of vehicle operation or result in mechanical breakdown shall be reported immediately in writing and driver shall not operate school bus until the defect or deficiency has been corrected;

4. Activate the prewarning amber flashing lights if a school bus stop must be made in close proximity to the crest of a hill or on curves with limited sight distance, approximately one hundred feet (100') before passing the crest so that vehicles following to the rear shall be made aware the bus is preparing to stop for the purpose of loading or unloading pupils;

5. Assume control of all children while they are being transported requiring respectable and orderly behavior from them. Particular attention should be given to the care and protection of the younger pupils. Any continued disorderly conduct should be reported to the proper school authorities;

6. Not back school bus on school grounds unless rear is guarded by school patrol or adult and driver is advised that the way is clear. Backing the bus at any time shall be avoided if at all possible;

7. Follow these procedures when a school bus is disabled/—/:

A. Stop the bus as far to the right as possible (on the shoulder, if available);

B. Secure the bus, activate hazard/warning lights and set parking brake;

C. Keep children in bus. If location of the bus is unsafe, remove the children to a safer location;

D. Place triangular reflectors a minimum of one hundred feet (100') in both the front and rear of the bus;

E. Telephone, radio or send capable student to call authorities, giving bus location and description of breakdown; and

F. See that all pupils are delivered to their destinations;

8. Keep inside of vehicle clean and comfortable at all times;

9. Keep lettering and lights on front and rear of bus clean so that all markings are clearly visible;

10. Keep service door closed at all times when bus is in motion;

11. Not leave a loaded bus while motor is running;

12. Fill the fuel tank only when there are no children in the bus;

13. Not allow animals on the school bus except for seeing eye dogs or other specially trained animals necessary to furnishing special education services for handicapped children to comply with *[section 162.710, RSMo]* **applicable state law and regulations**;

14. Not allow weapons or explosive material on the school bus;

15. Not allow items *[carried]* on the school bus to protrude into or block the aisle or be left in the driver or **emergency** exit areas;

16. Make and promptly file all daily, weekly and monthly reports which may be required;

17. Use seat belt whenever the bus is in motion;

18. Not drive any school bus for more than/—/:

A. Eight (8) consecutive hours. Hours will be consecutive unless the individual ceases operation of the vehicle for at least sixty (60) minutes; or

B. An aggregate of twelve (12) hours in a twenty-four (24)-hour period;

19. Illuminate headlights whenever students are being transported;

20. Not use tobacco products at any time in the school bus; and

21. Not operate a school bus while under the influence of intoxicants, narcotics or drugs.

[(4) Reporting of School Bus Accidents. Any school bus accident which results in personal injury or total property damage in excess of five hundred dollars (\$500) shall be reported on the School Bus Accident Report (3-260-011) immediately following the accident.]

[(5)] (4) Public School District Route Approval [General Definitions and Procedures].

(A) General Definitions.

1. Eligible miles/—/. Those **actual regular school term and handicapped** miles traveled from where the bus is kept at night until it returns to the same location after the pupils have been returned home, as long as it is used only to transport **vocational students and K-12** pupils to and from school **at the beginning and ending of the regular school day**, are eligible for state transportation aid.

2. Ineligible miles/—/. All **actual** miles that are driven for any purpose other than transporting **K-12** students to or from school during the school term are ineligible for state transportation aid. **Regular summer school routes, non-handicapped early childhood routes, /F/**field trips, athletic trips, **maintenance miles** and other extracurricular activity trips are examples of ineligible miles. Miles traveled to rerun a route or part of a route to transport students participating in before- or after-school activities or training are also ineligible miles. All ineligible miles shall be recorded and subsequently reported on the application for state transportation aid.

3. School bus route/—/. A bus route begins when a bus leaves a point (home, school, and the like) empty and proceeds on a predetermined route, picking up pupils and then traveling to a school(s) until the bus is empty; and returning the pupils to a designated point after school. If more than one (1) route is run by the same bus, each additional route begins when the bus is empty after discharging all the pupils from a previous route and proceeds along another predetermined route, picking up pupils and discharging all of them at their attendance center(s) and returning them home.

(B) *[Public School District Route Approval]* Procedures/—/. Public school districts must adopt a policy implementing school bus route approval procedures for the annual approval of the routes needed for safe and cost efficient pupil transportation service which meets and may exceed the state board's minimum requirements as described in this subsection.

1. Criteria for determining routes/—/:

- A. Location of pupil's residence;
- B. Grade and age of the pupils to be transported;
- C. Type and condition of roads;
- D. Standard of service desired; and
- E. Funds available for transportation service.

2. Safety considerations for establishing school bus routes/—/:

A. The general safety of all routes in relation to hazards such as hills, intersections, railroad crossings, bridges, sharp curves, and obstructions to visibility;

B. The general safety of loading and unloading stops in relation to the visibility of approaching motorists;

C. Walking distance to the bus stop in relation to the age of the pupil; and

D. Walking route safety to loading stop, from unloading stop, and loading zones.

3. Administrative policy shall be adopted by the public school district board of education which describes the criteria, safety considerations and routing standards school officials must use when establishing or modifying school bus routes. Examples of administrative policy components include but are not limited to:

A. Duplication of route miles and "deadheading" shall be avoided if at all possible;

B. School bus stops should be established no less than five hundred feet (500') apart;

C. Multiple routes by a single school bus should be used when possible;

D. Routes should be planned to avoid dead-end streets or cul-de-sacs whenever possible;

E. Assign pupils to school buses so that passenger loads do not exceed manufacturer vehicle passenger capacity and to avoid overloading;

F. All school buses should be loaded as near their capacity as possible;

G. Buses should be used primarily to transport pupils to and from school. Buses may be used to transport pupils on school-sponsored activity trips, but such trips should not interfere with the transportation of pupils to and from school;

H. Each school district shall keep on file an up-to-date map showing the location and length of each school bus route;

I. Bus routing and seating plans shall be coordinated so that there are no standees and every passenger is provided a seat. The seating space provided each passenger must be sufficient to ensure that the back of each passenger may come into full contact with the seat back;

J. All vehicles used to transport pupils shall comply with the requirements of the law and with standards and safety rules as adopted by the *[State Board of Education]* board; and

K. School bus inspections shall not be made more than sixty (60) days prior to operating the vehicles during the school year.

4. School districts which transport nonresident pupils not legally assigned or through an interdistrict contract shall not claim any additional miles as eligible miles and the pupils shall be reported as ineligible pupils.

A. High school pupils from elementary school districts/—/. High school pupils residing in an elementary school district are to be claimed only by the elementary district. The elementary district shall claim mileage from where the bus enters the elementary district, including miles traveled within the elementary district and the most direct route to the school of attendance.

AUTHORITY: sections 161.092, RSMo Supp. 2002, 163.161, [RSMo Supp. 1999] and 304.060, RSMo [1994] 2000. This rule was previously filed as 5 CSR 40-261.010. Original rule filed June 15, 1951, effective July 1, 1951. For intervening history, please consult the Code of State Regulations. Amended: Filed May 27, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attn: Tom Quinn, Director, School Governance, PO Box 480, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Vocational and Adult Education
Chapter 120—Vocational Education**

PROPOSED RESCISSION

5 CSR 60-120.020 Implementation of Vocational Education Programs. This rule, through the *Handbook for Vocational*

Education in Missouri, established the guidelines for implementation and operation of vocational education programs for public education agencies.

PURPOSE: *This rule is being rescinded due to all of the general guidelines for administration of vocational education programs and services listed in the Handbook are out-of-date. Therefore, the Handbook is no longer needed.*

AUTHORITY: *section 178.430, RSMo 1986. Original rule filed Aug. 26, 1974, effective Sept. 6, 1974. Amended: Filed Oct. 29, 1981, effective Feb. 15, 1982. Rescinded: Filed May 27, 2003.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attn: Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 3—Utility and Private Line Location
and Relocation**

PROPOSED RESCISSION

7 CSR 10-3.040 Division of Relocation Costs. This rule provided a uniform system for the designation of cost responsibility for a utility relocation.

PURPOSE: *The commission is rescinding this rule and will work towards adopting a new rule that more clearly provides for the designation of cost responsibility.*

AUTHORITY: *sections 226.020 and 227.240, RSMo 2000. Original rule filed Oct. 7, 2002, effective May 30, 2003. Emergency rescission filed June 6, 2003, effective June 16, 2003, expires Feb. 26, 2004. Rescinded: Filed June 6, 2003.*

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 25—Motor Carrier Operations**

PROPOSED RULE

7 CSR 10-25.010 Skill Performance Evaluation Certificates For Commercial Drivers

PURPOSE: *This rule implements the provisions of section 622.555, RSMo, as enacted by House Bills No. 1270 and No. 2032, 91st General Assembly, Second Regular Session, 2002, by prescribing requirements relating to applications for skill performance evaluation certificates, and the issuance, renewal, suspension and revocation of those certificates by the commission. These certificates authorize certain individuals, who cannot satisfy the physical qualifications generally required by federal regulations, to drive commercial motor vehicles in intrastate commerce if they satisfy alternative requirements, which demonstrate their ability to maintain an equivalent or greater level of safety while operating commercial motor vehicles.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) Definitions and Substitutions. Except when the context clearly suggests otherwise, the words and terms used in this rule, or in any federal regulation incorporated by reference in this rule, shall have the meaning stated in this section.

(A) Whenever the terms "application," "letter of application," "written request," or any similar terms used in the federal regulation refer to a document to be filed with a federal agency or official, the word "application" shall be substituted for those terms, which means a writing filed with the director, which shall contain all information required to complete the applicable form provided for that purpose by the department.

(B) Whenever the term "commercial motor vehicle" is used in the federal regulation, the term shall include any motor vehicle, or the operation or driver of any motor vehicle, within the jurisdiction of the commission pursuant to the provisions of section 226.008, RSMo.

(C) The word "commission" means the Missouri Highways and Transportation Commission.

(D) The word "department" means the Missouri Department of Transportation.

(E) The word "director" means the director of Motor Carrier Services of the Missouri Department of Transportation.

(F) Whenever the term "exemption" is used in or has reference to 49 CFR part 381, the term "SPE certificate" shall be substituted for the term "exemption." "SPE certificate" means a skill performance evaluation certificate, as defined in subsection 4 of section 622.555, RSMo.

(G) Whenever the term "FMCSA," "field service center, FMCSA" or any comparable term is used in the federal regulation, then the words "Missouri Department of Transportation, Motor Carrier Services" shall be substituted for those terms. If the federal regulation prescribes an address applicable to any of these terms,

then the current business address of the director of Motor Carrier Services shall be substituted for that address.

(H) Whenever the terms "Federal Motor Carrier Safety Administrator," "Federal Highway Administrator," "State Director, FMCSA" or any comparable terms are used in the federal regulation, then the words "Missouri Department of Transportation, director of Motor Carrier Services" shall be substituted for those terms. If the federal regulation prescribes an address applicable to any of these terms, then the current business address of the director of Motor Carrier Services shall be substituted for that address.

(I) Whenever the term "*Federal Register*" or any comparable term is used in the federal regulation, the term "*Missouri Register*" shall be substituted for that term.

(J) Whenever the word "interstate" is used in the federal regulation, the word "intrastate" shall be substituted for "interstate."

(2) Delegation of Authority. The commission authorizes the director to administer the skill performance evaluation program for intrastate drivers of commercial motor vehicles, as provided in section 622.555, RSMo, and this rule. The director, at his/her discretion, may delegate any part of this authority to other department personnel.

(3) Filing and Determination of Applications; Demonstration and Verification of Ability to Operate Commercial Motor Vehicles. Applications for an intrastate SPE certificate, and related documents, shall be filed with the director of Motor Carrier Services, at the current business address of the director. Every application shall include all information and supporting documents required by section 622.555, RSMo, this rule, and the latest form of "Application for Skill Performance Evaluation Certificate" and related instructions approved by the director, and any additional information reasonably required by the director.

(A) The director may dismiss, grant or deny applications for SPE certificates, in accordance with the provisions of section 622.555, RSMo, and this rule.

(B) The director may issue SPE certificates that include reasonable limitations, conditions, and requirements to protect public safety, or to promote the department's effective administration of SPE certificates, or both.

(C) At any time while an application is pending, or after the person is issued a SPE certificate, the director may require the person to demonstrate or verify the person's present ability to operate a commercial motor vehicle safely with his/her physical deficiency or impairment. These requirements may include:

1. Successfully completing a road test, using a commercial motor vehicle and associated equipment of the type which the applicant drives or seeks to drive pursuant to the SPE certificate;
2. Obtaining additional or periodic physical examinations by a physician or optometrist; and
3. Filing additional or periodic reports with the director concerning the person's medical or vision examinations, treatment, prognosis, employment, driving record, accidents, traffic violations, and other pertinent information.

(4) Limb Exemption. The commission incorporates by reference in this rule the provisions of 49 CFR section 391.49 (Alternative physical qualification standards for the loss or impairment of limbs), as those regulations have been and periodically may be amended. Except to the extent they are inconsistent with any provisions of section 622.555, RSMo, or of this rule, those regulations are hereby made applicable to the issuance of intrastate SPE certificates to persons who are not physically qualified to drive pursuant to paragraphs (1) or (2), or both paragraphs (1) and (2), of subsection (b) of 49 CFR section 391.41, because of the person's loss or impairment of one (1) or more of the following: a foot, leg, hand, arm, or any part

thereof.

(5) Vision Exemption. The commission incorporates by reference in this rule the provisions of subpart A (General) and subpart C (Procedures for Applying for Exemptions) of part 381 (Waivers, Exemptions and Pilot Programs) of Title 49, *Code of Federal Regulations*, and 49 CFR section 391.64 (Grandfathering for certain drivers participating in vision and diabetes waiver study programs), as those regulations have been and periodically may be amended. Except to the extent those regulations are inconsistent with any provisions of section 622.555, RSMo, or of this rule, those regulations are hereby made applicable to the issuance of intrastate SPE certificates to persons who are not physically qualified to drive pursuant to paragraph (10) of subsection (b) of 49 CFR section 391.41, because of impaired vision. Notwithstanding any provisions of 49 CFR part 381 to the contrary, this rule shall not authorize waivers or pilot programs, as defined in part 381.

(A) Every application filed pursuant to this section shall include one (1) or more affidavits describing the applicant's motor vehicle driving experience during the three (3)-year period immediately before the date of the application. Each affidavit shall contain all information required by the latest form of "Affidavit of Driving Experience" and pertinent instructions approved by the director.

(B) Notwithstanding any requirement of Title 49 CFR, or of any federal agency or officer made pursuant to Title 49 CFR, to the contrary, the director may determine that an applicant has adequately demonstrated the ability to operate a commercial motor vehicle safely with the vision impairment for the three (3)-year period immediately before the date of the application, if the director reasonably finds that:

1. During that three (3)-year period, the applicant safely and continuously operated commercial motor vehicles, or other motor vehicles licensed and used on public highways, with the vision impairment; and
2. If the driving experience required by paragraph 1 of this subsection was not performed in a commercial motor vehicle, then within sixty (60) days immediately before the date of the application, or while the application is pending, the applicant has successfully completed a road test as provided in subpart D of 49 CFR part 391, with the vision impairment, using a commercial motor vehicle and associated equipment of the type which the applicant seeks to drive pursuant to the SPE certificate.

(6) Other Physical Deficiencies. Persons who are physically unqualified to drive commercial motor vehicles pursuant to any provision of 49 CFR section 391.41(b), except paragraphs (1), (2) and (10), may apply for intrastate SPE certificates, and the director may issue intrastate SPE certificates to those applicants, only if:

(A) The Federal Motor Carrier Safety Administration (FMCSA) is currently administering a program for issuing SPE certificates, or exemptions from the physical qualification requirements, to interstate drivers who are physically unqualified because of the same physical deficiency or impairment affecting the applicant;

(B) The applicant files an application for SPE certificate with the director, which conforms to all applicable requirements of section 622.555, RSMo, and this rule, and conforms to the same standards and procedures that are applicable under FMCSA's comparable interstate SPE certificate or exception program, as modified and supplemented by any applicable provisions of section 622.555, RSMo, or this rule.

(7) Multiple Physical Conditions. The director may deny applications for SPE certificates, and may suspend or revoke SPE certificates, regarding any person who is not physically qualified pursuant to the requirements of two (2) or more separate paragraphs within subsection (b) of 49 CFR section 391.41, except a person who is

physically unqualified only pursuant to paragraphs (1) and (2) of that subsection.

(8) Federal Exemption or SPE Certification. Upon the filing of an application containing such information as the director may require, the director may waive any procedural requirements pursuant to this rule and shall issue an intrastate SPE certificate to any driver who is authorized to operate commercial motor vehicles in interstate commerce by a currently valid SPE certificate or vision exemption issued by the FMCSA. Each SPE certificate issued pursuant to this section shall be conditioned upon the driver's continued possession of the federal SPE certificate in good standing, and the driver's compliance with all applicable requirements, including all conditions specified in the driver's federal SPE certificate, and any other conditions imposed by the director.

(9) Operation in Conformity with Terms of SPE Certificate. No person shall operate a commercial motor vehicle by authority of any SPE certificate issued pursuant to this rule, unless the vehicle is operated in conformity with all limitations, requirements and other terms specified in that SPE certificate.

(10) Suspension and Revocation. For good cause, the director may revoke a person's SPE certificate after notice and an opportunity for hearing before the Administrative Hearing Commission, or may suspend the certificate until it is determined whether the certificate should be revoked.

AUTHORITY: sections 226.008 and 622.555, RSMo Supp. 2002. Emergency rule filed June 6, 2003, effective June 16, 2003, expires Feb. 26, 2004. Original rule filed June 6, 2003.

PUBLIC COST: This proposed rule is estimated to cost the department one hundred seventy-seven thousand seven hundred ninety-three dollars (\$177,793), in the aggregate, during FY03 and cost one hundred ninety-six thousand six hundred eight dollars (\$196,608) the subsequent years. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost medical waiver applicants sixty-eight thousand ninety dollars (\$68,090), in the aggregate, during FY03 and cost one hundred two thousand two hundred ninety-four dollars (\$102,294) the subsequent years. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC ENTITY COST

I. RULE NUMBER

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 25 - Motor Carrier Operations

Rule Number and Name:	7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers.
Type of Rulemaking	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost in the Aggregate.
Missouri Department of Transportation	Cost for FY'03 <u>\$177,793.00</u> Subsequent Years <u>\$196,608.00</u>

III. WORKSHEET

Limb Waiver Examiner Inspector's salary and expenses (no examination necessary for the Vision Waiver):

2 full days (preparation and execution) \$267.44

Average mileage for arriving at test site, designing test route, & return trip 280 miles at 27 cents per mile \$75.60

Examining Inspector salary expenses per test \$343.04

Estimated Number of applicants => 193 x \$343.04 \$66,207.00 for FY'03

Estimated # of applicants/renewals => 290 x \$343.04 \$99,482.00 for subsequent years (waiver is in effect for 2 years)

Annual Salary -Intermediate Motor Carrier Specialist \$41,304.00 (midpoint SG 13) + fringe at 0.3601 = \$56,177.57

Annual Salary of Senior Secretary \$23,784.00 (midpoint SG4) + fringe at 0.3601 = \$32,348.62

Recruitment costs (to include interviews, etc) \$3000 (1 time cost)

Training for Medical Waiver Specialist \$3700 (1 time cost)

Salaries, Training & Recruitment Total \$95,227.00 for FY'03

Salaries, Training & Recruitment (minus FY'03 cost) \$88,527.00 for subsequent years

Supplies & equipment \$600 office supplies
 \$1200 telephone charges
 \$7760 office equipment (1X cost for furniture, computer, software, etc)
 \$6000 (rent & utilities allocation)
 \$800 (miscellaneous office supplies)

Supplies & Equipment Total \$16,360.00 for FY'03
 Supplies & Equipment Total (minus FY'03 cost) \$8,600.00 for subsequent years

Total Estimated Costs for FY'03 \$177,793.00
 Total Estimated Costs for Subsequent Years \$196,608.00

Figures reflect total cost. Funding is 80% federally reimbursed at a cost of 20% to Missouri's Highway fund.

IV. ASSUMPTIONS

Any salary figures are based upon the present pay grade of employees involved in the operation of the Motor Carrier Safety Enforcement Program and current pay grades of applicable positions for the new program employees. Examining Inspector's time is estimated from an average of salaries for 3 position grades of Inspector positions that will be performing the examinations. These examinations are only required for the Limb Waiver program. The Vision Waiver program does not require Examining Inspector.

Equipment for Examining Inspector is figured in the mileage cost, since the inspector will have all of the equipment necessary to facilitate the test, so in estimating additional cost for that Inspector we assumed the cost of the mileage on the assigned vehicle would be sufficient. Supplies & equipment costs are based on FY'03 calculations and existing equipment available. Mileage cost for Examining Inspector is taken from an average of miles driven for field Inspectors and an added amount for surveying each testing area to create a driving range for the exam.

The number of Limb Waiver applicants was estimated by the current (01/02/03) number of amputee individuals registered with Missouri's Division Vocational Rehabilitation. It is assumed that there will be a certain category of these individuals that may not be qualified, nor choose to work in this field, but there are other individuals that have not registered with Vocational Rehabilitation that would fill in for those unqualified or non-interested candidates. For subsequent years, it is assumed that a 1.5% growth rate of applicants (rounded to the nearest whole number) in both waiver programs would occur due to industry knowledge that the program exists and the possibility for adoption of a revision being considered by the Federal program to add insulin-dependant diabetics to the program.

Any other costs not identified in this fiscal note are unforeseeable.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 25 - Motor Carrier Operations

Rule Number and Name:	7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers.
Type of Rulemaking	Proposed Rulemaking

II. SUMMARY OF FISCAL IMPACT

Estimate of the Number of Entities by class which would likely be affected by the adoption of the rule:	Classification by types of business entities which would be affected:	Estimated Cost in the Aggregate.
193 Limb Waiver applicants in FY'03 290 applicants in subsequent years	Individuals estimated to apply for a waiver who may or may not be employed at the time of application.	Limb Waiver Cost for FY'03 <u>\$34,578.00</u>
284 Vision Waiver applicants in FY'03 and 426 applicants in subsequent years.		Cost for Subsequent Years <u>\$52,026.00</u>
		Vision Waiver Cost for FY'03 <u>\$33,512.00</u>
		Cost for Subsequent Years <u>\$50,268.00</u>

III. WORKSHEET

Limb Waiver		Vision Waiver	
Activity	Estimated Cost	Activity	Estimated Cost
Application completion (2 pgs)	\$0.00	Application completion (2 pgs)	\$0.00
Mailing application (Estimated 18 pages + 2 photos)	\$1.06	Mailing application (Estimated 5 pages)	\$0.60
Physiatrist or Orthopedic Surgeon Exam	\$158.00	Optometrist or Ophthalmologist Exam	\$117.00
Photos: 2 photos required, one with prosthesis, one without. (\$9.99 for camera and \$7.90 to develop photos)	\$17.89	No photos required	

Required Copies of Documents Total (Copies are at \$.08/single sided copy)	\$2.21	Required Copies of Documents Total (Copies are at \$.08/single sided copy)	\$0.40
Copy of DOT Physical (estimated 4 pages)	\$0.32	Copy of DOT Physical (estimated 4 pages)	\$0.32
Copy of Physiatrist/Ortho Exam documentation (8 pgs)	\$0.64	Copy of Vision Specialist certification (1 page)	\$0.08
Application for employment (2 pages) no copies necessary.	\$0.00		
Obtain State Driving Record (est. average 2 pages) no copies necessary	\$1.25		
Total Cost to Individual:	\$179.16	Total Cost to Individual:	\$118.00

Total Estimated Costs for FY'03 and Subsequent Years

Estimated number of Limb Waiver Applications in FY'03 => 193 x \$179.16 \$34,578.00

Estimated number of Limb Waiver Applications & Renewals in subsequent years => 290 x
\$179.40 \$52,026.00

Estimated number of Vision Waiver Applications in FY'03 => 284 x \$118.00 \$33,512.00

Estimated number of Vision Waiver Applications & Renewals in subsequent years => 426 x
\$118.00 \$50,268.00

IV. ASSUMPTIONS

The number of Limb and Vision Waiver applicants was estimated by the current (01/02/03) number of amputee and vision-impaired individuals registered with Missouri's Division Vocational Rehabilitation. It is assumed that there will be a certain category of these individuals that may not be qualified, nor choose to work in this field, but there are other individuals that have not registered with Vocational Rehabilitation that would fill in for those unqualified or non-interested candidates. For subsequent years, it is assumed that a 1.5% growth rate of applicants (rounded to the nearest whole number) in both waiver programs would occur due to industry knowledge that the program exists and the possibility for adoption of a revision being considered by the Federal program to add insulin-dependant diabetics to the program.

Estimate for mailing application was obtained by placing required documents in envelope (and 2 photos in the case of Limb Waiver) and weighing on postage scale.

Quotes for physicians/eye care professionals were obtained by contacting the central business office for a local medical group.

Photo estimate was obtained by a quote for 27-exposure disposable camera and a single print film processing quote for 27 photos from a local retailer.

Estimated cost of copies for required documents for application was obtained by a quote from a local copy store.

Any other costs not identified in this fiscal note are unforeseeable.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RULE

12 CSR 10-23.456 Marine Application for Title

PURPOSE: This rule clarifies when the Application for Missouri Watercraft or Outboard Motor Title and Registration (DOR-93 revision date of March 2003) must be used.

(1) Effective July 1, 2003, the department will begin issuing the revised Application for Missouri Watercraft or Outboard Motor Title and Registration form (DOR-93 revision date of March 2003). This form can be requested from the department of revenue's website at <http://www.dort.state.mo.us/mvdl/formorder>.

(2) All Missouri dealers, lienholders, and applicants must submit this form when applying for title and registration on an outboard motor or vessel.

(3) Previous versions of the application form (DOR-93) may no longer be accepted on or after December 31, 2003.

AUTHORITY: sections 306.400 and 306.410, RSMo Supp. 2002. Original rule filed May 22, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.300 Definitions for the Certificate of Need Process. The Committee proposes to amend sections (3), (5), (8), (11)–(18), add new sections (12) and (13), amend and renumber section (12), and renumber the remaining sections.

PURPOSE: This amendment provides additional definitions and clarifies previous definitions for terms used in the Certificate of Need (CON) review process.

(3) Cost means—

(A) Price paid or to be paid by the applicant for a new institutional health service to acquire, purchase or develop a health care facility or major medical equipment; *for*

(B) Fair market value of the **proposed** health care facility or major medical equipment as determined by the current selling price at the

date of the application as quoted by builders or architects for similar facilities or normal suppliers of the requested equipment/.; or

(C) For the development of a new health care facility to be licensed under Chapter 198, RSMo, on the campus of an existing health care facility, but of a different licensure category, where support space and services such as administration, dining and laundry would be acquired from the existing facility, the following specific proportional and new costs shall apply:

1. If existing licensed bed space is to be utilized for the new facility, the cost (f) shall be determined by using the formula $[(a \div b) \times c] + d + e = f$ in the following manner:

A. Divide the number of beds in the proposed new facility (a), by the total number of beds in the existing facility (b);

B. Multiply the above result by the total appraised value of the existing facility prepared by a state-certified appraiser, including land, building, equipment and other improvements (c); and

C. Add the above result to all additional renovations (d), and/or new equipment (e), needed for the proposed new facility; or

2. If a newly constructed unit is to be added to an existing licensed facility, cost (f) shall be determined by using the formula $[(a \div (a + b)) \times c] + d + e = f$ in the following manner:

A. Divide the number of beds in the proposed new facility (a), by the total number of beds in the existing facility (b) added to the proposed new facility (a);

B. Multiply the above result by the total appraised value of the existing support space and equipment prepared by a state-certified appraiser (c); and

C. Add the above result to all new capital costs (d), and/or new equipment costs (e) to be incurred.

(5) Expedited application means a shorter than full application and review period as defined in 19 CSR 60-50.420 and 19 CSR 60-50.430 for any long-term care expansion or replacement as defined in section 197.318.8–10, RSMo, long-term care renovation and modernization, or the replacement of any major medical equipment as defined in section *[(11)]* (14) of this rule which holds a Certificate of Need (CON) previously granted by the Missouri Health Facilities Review Committee (*/c/Committee*). Applications for replacement of major medical equipment not previously approved by the */c/Committee* should apply for a full review.

(8) Health care facility means those described in section 197.366, RSMo, which replaces section 197.305.7, RSMo.

(12) Long-term care hospital (LTCH) means any facility licensed under Chapter 197, RSMo, meeting the requirements described in 42 CFR section 412.23(e).

(13) Long-term care beds include:

(A) Beds in a facility licensed in accordance with Chapter 198, RSMo, including residential care facility (RCF) I and II, intermediate care facility (ICF) and skilled nursing facility (SNF);

(B) Beds designated as ICF or SNF in a Chapter 197, RSMo, licensed hospital as described in subdivision (3) of subsection I of section 198.012, RSMo; or

(C) Beds in a LTCH meeting the requirements described in 42 CFR section 412.23(e).

[(12)] (14) Major medical equipment means any piece of equipment and collection of functionally related devices acquired to operate the equipment and additional related costs such as software, shielding, and installation, with an aggregate cost of one *[(1)]* million dollars (\$1,000,000) or more, when the equipment is intended to provide the following services:

- (A) Cardiac Catheterization;
- (B) CT (Computed Tomography);
- (C) Gamma Knife;
- (D) Hemodialysis;
- (E) Lithotripsy;
- (F) MRI (Magnetic Resonance Imaging);
- (G) PET (Positron Emission Tomography);
- (H) Linear Accelerator;
- (I) Open Heart Surgery;
- (J) EBCT (Electron Beam Computed Tomography);
- (K) PET/CT (Positron Emission Tomography/Computed Tomography); or
- (L) Evolving Technology.

[(13)] **(15)** Nonsubstantive project includes, but is not limited to, at least one (1) of the following situations:

(A) An expenditure which is required solely to meet federal or state requirements or involves predevelopment costs or the development of a health maintenance organization;

(B) The construction or modification of nonpatient care services, including parking facilities, sprinkler systems, heating or air-conditioning equipment, fire doors, food service equipment, building maintenance, administrative equipment, telephone systems, energy conservation measures, land acquisition, medical office buildings, and other projects or functions of a similar nature; or

(C) Expenditures for construction, equipment, or both, due to an act of God or a normal consequence of maintenance, but not replacement, of health care facilities, beds, or equipment.

[(14)] **(16)** Offer, when used in connection with health services, means that the applicant asserts having the capability and the means to provide and operate the specified health services.

[(15)] **(17)** Predevelopment costs mean expenditures as defined in section 197.305(13), RSMo, including consulting, legal, architectural, engineering, financial and other activities directly related to the proposed project, but excluding the application fee for submission of the application for the proposed project.

[(16)] **(18)** Related organization means an organization that is associated or affiliated with, has control over or is controlled by, or has any direct financial interest in, the organization applying for a project including, without limitation, an underwriter, guarantor, parent organization, joint venturer, partner or general partner.

[(17)] **(19)** Service area means *[a/*:

(A) A **fifteen (15)-mile radius for long-term care bed proposals**; or

(B) **For any other health service**, a geographic region appropriate to the proposed service, documented by the applicant and approved by the *[c/*Committee. *[For long-term care projects, the fifteen (15)-mile radius calculation must be used.]*

[(18)] **(20)** The most current version of Form MO 580-1863 may be obtained by mailing a written request to the **Certificate of Need Program (CONP)**, 915G Leslie Boulevard, Jefferson City, MO 65101, or in person at the CONP Office, or, if technically feasible, by downloading a copy of the form from the CONP web site at www.dhss.state.mo.us/con.

AUTHORITY: section 197.320, RSMo 2000. Original rule filed June 2, 1994, effective Nov. 30, 1994. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Amended: Filed June 9, 2003.

PUBLIC COST: This proposed amendment will not cost state agen-

cies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities no more than thirty-five thousand dollars (\$35,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101. To be considered, comments must be received by 5:00 p.m. on July 31, 2003. A public hearing has been scheduled for July 31, 2003, at 10:00 a.m. at the Certificate of Need Program Office located at 915G Leslie Blvd., Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 60-50.300 Definitions for the Certificate of Need Process
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Health care associations	\$25,000
20	Health facility appraisals	\$10,000

II. WORKSHEET

Based on the following assumptions and estimates, the Private Entity Cost associated with the Proposed Amendment would be calculated as follows:

Certificate of Need activity monitoring costs: $[(\$500 \text{ per CON meeting} \times 6 \text{ meetings}) + (\$2000 \text{ for special hearing and meetings})] \times 5 \text{ associations} = \$25,000$

Appraisals done by state certified appraisers: $\$500 \text{ per appraisal} \times 20 \text{ appraisals per year} = \$10,000$

IV. ASSUMPTIONS

Based on past experience and observations, it is estimated that state provider associations, including the Missouri Hospital Association, Missouri Health Care Association, Missouri Association of Homes for the Aging, Missouri Assisted Living Association, and Missouri League of Nursing Home Administrators, will expend specific funds to monitor each meeting of the Missouri Health Facilities Review Committee to assess its application of the rules and statutes to long term care applications, and to participate in additional meetings related to the administration of the certificate of need program activities. The expenses are based on an estimate of \$50 per hour per association representative.

In order to appraise the value of an existing facility to which a new facility of a different category would be added, the total appraised value must be prepared by a state-certified appraiser at an estimated cost of \$500 each, based on inquiries with real estate appraisers. It is estimated that 20 such applications would be prepared and submitted each year.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.400 Letter of Intent Process. The Committee proposes to amend sections (1)–(5).

PURPOSE: This amendment clarifies the process for submitting a Letter of Intent to begin the Certificate of Need (CON) review process and further outlines the projects subject to CON review.

(1) Applicants shall submit a Letter of Intent (LOI) package to begin the Certificate of Need (CON) review process at least thirty (30) days prior to the submission of the CON application and will remain valid in accordance with the following time frames:

(A) For full reviews, expedited equipment replacements, expedited long-term care (LTC) renovation or modernization reviews and expedited LTC facility replacement reviews, *[an]* a LOI is valid for six (6) months;

(B) For expedited LTC bed expansion reviews in accordance with section 197.318.8, RSMo, *[an]* a LOI is valid for twenty-four (24) months; and

(C) For non-applicability reviews, *[an]* a LOI is valid for six (6) months.

(2) Once filed, *[an]* a LOI may be amended, except for project address, not later than ten (10) days in advance of the CON application filing, or it may be withdrawn at any time without prejudice.

(3) A LTC bed expansion or replacement as defined in these rules includes all of the provisions pursuant to section 197.318.8 through 197.318.10, RSMo, requiring a CON application, but allowing shortened information requirements and review time frames. When *[an]* a LOI for *[an]* a LTC bed expansion, except replacement(s), is filed, the **Certificate of Need Program (CONP)** staff shall immediately request certification for that facility of average licensed bed occupancy and final Class 1 patient care deficiencies for the most recent six (6) consecutive calendar quarters by the Division of Health Standards and Licensure (DHSL), Department of Health and Senior Services, through *[an]* a LTC Facility Expansion Certification (Form MO 580-2351) to verify compliance with occupancy and deficiency requirements pursuant to section 197.318.8, RSMo. Occupancy data shall be taken from the DHSL's most recently published *[Quarterly Survey] Six-Quarter Occupancy of [Hospital and Nursing Home] Intermediate Care and Skilled Nursing Facility (or Residential Care Facility) Licensed Beds [Utilization]* reports. For LTC bed expansions or replacements, the sellers and purchasers shall be defined as the owner(s) and operator(s) of the respective facilities, which includes building, land, and license. On the Purchase Agreement (Form MO 580-2352), both the owner(s) and operator(s) of the purchasing and selling facilities should sign.

(4) The *[Certificate of Need Program](CONP)* staff, as an agent of the Missouri Health Facilities Review Committee (*[c]*/Committee), will review LOIs according to the following provisions:

(F) A CON application must be made if:

1. The project involves the development of a new *[health care facility] hospital* costing *[in excess of]* one *[(1)]* million dollars **(\$1,000,000) or more, except for a facility licensed under Chapter 197, RSMo, meeting the requirements described in 42 CFR, section 412.23(e);**

2. The project involves the acquisition or replacement of major medical equipment in any setting not licensed under Chapter 198, RSMo, costing *[in excess of]* one *[(1)]* million dollars

(\$1,000,000) or more;

3. The project involves the acquisition or replacement of major medical equipment for a health care facility licensed under Chapter 198, RSMo, costing *[in excess of]* four hundred thousand dollars **(\$400,000) or more;**

4. The project involves the acquisition of any equipment or beds in a long-term care hospital meeting the requirements found in 42 CFR section 412.23(e) at any cost;

5. The project involves a capital expenditure **for renovation, modernization or replacement**, but not additional beds, by or on behalf of an existing health care facility licensed under Chapter 198, RSMo, costing *[in excess of one (1) million dollars]* **six hundred thousand dollars (\$600,000) or more; [or]**

6. *[Prior to January 1, 2003, the]* **The project involves either additional *[long-term care]* LTC (licensed or certified residential care facility I or II, intermediate care facility, or skilled nursing facility) beds or LTC bed expansions or replacements licensed under Chapter 198, RSMo, as defined in section (3) above of this rule, *[regardless of cost with certain exemptions and exceptions.]* costing six hundred thousand dollars **(\$600,000) or more; or****

7. The project involves the expansion of an existing health care facility as described in subdivisions (1) and (2) of section 197.366, RSMo, that either:

A. Costs six hundred thousand dollars **(\$600,000) or more; or**

B. Exceeds ten (10) beds or ten percent (10%) of that facility's existing licensed capacity, whichever is less; and

(G) An exception may exist if the LOI test verifies that the proposed new long-term care beds (excluding LTCH beds) cost less than six hundred thousand dollars **(\$600,000) or do not exceed ten (10) beds or ten percent (10%) of that facility's existing licensed capacity, whichever is less, and the proposed beds are in the same licensure category as the existing facility's license.**

(5) For *[an]* a LTC bed expansion proposal pursuant to section 197.318.8(1)(e), RSMo, the CONP staff shall request occupancy verification by the DHSL who shall also provide a copy to the applicant.

AUTHORITY: section 197.320, RSMo 2000. Original rule filed June 2, 1994, effective Nov. 30, 1994. For intervening history, please consult the **Code of State Regulations**. Emergency rescission and rule filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Amended: Filed June 9, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities no more than thirty-three thousand dollars (\$33,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101. To be considered, comments must be received by 5:00 p.m. on July 31, 2003. A public hearing has been scheduled for July 31, 2003, at 10:00 a.m. at the Certificate of Need Program Office located at 915G Leslie Blvd., Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 60-50.400 Letter of Intent Process
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Health care associations	\$25,000
80	Non-Applicability requests	\$8,000

II. WORKSHEET

Based on the following assumptions and estimates, the Private Entity Cost associated with the Proposed Amendment would be calculated as follows:

Certificate of Need activity monitoring costs: $[(\$500 \text{ per CON meeting} \times 6 \text{ meetings}) + (\$2000 \text{ for special hearing and meetings})] \times 5 \text{ associations} = \$25,000$

Requests prepared for non-applicability letters: $\$100 \text{ per request} \times 80 \text{ requests per year} = \$8,000$

IV. ASSUMPTIONS

Based on past experience and observations, it is estimated that state provider associations, including the Missouri Hospital Association, Missouri Health Care Association, Missouri Association of Homes for the Aging, Missouri Assisted Living Association, and Missouri League of Nursing Home Administrators, will expend specific funds to monitor each meeting of the Missouri Health Facilities Review Committee to assess its application of the rules and statutes to long term care applications, and to participate in additional meetings related to the administration of the certificate of need program activities. The expenses are based on an estimate of \$50 per hour per association representative.

In order to prepare a request for a non-applicability Certificate of Need letter, certain information must be prepared including a Letter of Intent, Proposed Expenditure form and support documentation. It is estimated that this would require approximately 3 hours at \$30 per hour plus \$10 in expenses, and that 80 such requests would be prepared and submitted to CON each year.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.410 Letter of Intent Package. The Committee proposes to amend sections (1) and (2), delete sections (3) and (6) and renumber the remaining sections.

PURPOSE: This amendment provides the information requirements and the details of how to complete the Letter of Intent package to begin the Certificate of Need (CON) review process, and removes several provisions which no longer apply.

(1) The Letter of Intent (LOI) (Form MO 580-1860) shall be completed as follows:

(E) Estimated Project Cost: total proposed expenditures necessary to achieve the application's objectives—not required for long-term care (LTC) bed expansions pursuant to section 197.318.8(1), RSMo;

(2) If a non-applicability review is sought, applicants shall submit the following additional information:

(B) Schematic drawings and evidence of site control, with appropriate documentation; and

[(3) If an exemption is sought for a residential care facility (RCF) I or II of one hundred (100) beds or less operated by a religious organization pursuant to section 197.305(7), RSMo, applicants shall submit the following additional information:

(A) A letter from the Internal Revenue Service documenting the religious organization's 501(c)(3) tax-exempt status;

(B) Copies of the religious organization's By-Laws and Articles of Incorporation stating the organization's religious mission;

(C) A letter from the religious organization stipulating that it will be the licensed operator and public funds would not be used for the purchase or operation of the proposed facility; and

(D) Any other documents necessary to establish compliance with section 197.305(7), RSMo.]

[(4)] (3) If an exemption is sought for a RCF I or II pursuant to section 197.312, RSMo, applicants shall submit documentation that this facility had previously been owned or operated for or, on behalf of St. Louis City.

[(5)] (4) If an exemption is sought pursuant to section 197.314(1), RSMo, for a sixty (60)-bed stand-alone facility designed and operated exclusively for the care of residents with Alzheimer's disease or dementia and located in a tax increment financing district established prior to 1990 within any county of the first classification with a charter form of government containing a city with a population of over three hundred fifty thousand (350,000) and which district also has within its boundaries a skilled nursing facility (SNF), applicants shall submit documentation that the health care facility would meet all of these provisions.

[(6) If an exemption is sought pursuant to section 197.314(2), RSMo, for either of two (2) SNFs of up to twenty (20) beds each, by a Chapter 198 facility that is owned or operated by a not-for-profit corporation which was created by a special act of the Missouri General Assembly, is

exempt from federal income tax as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, is owned by a religious organization and is to be operated as part of a continuing care retirement community offering independent living, residential care and skilled care which had no skilled nursing beds as of January 1, 1999, documentation that the health care facility would meet all of these provisions.]

[(7)] (5) The LOI must have an original signature for the contact person until the Certificate of Need Program (CONP), when technically ready, shall allow for submission of electronic signatures.

[(8)] (6) The most current version of Forms MO 580-1860 and MO 580-2375 may be obtained by mailing a written request to the CONP, 915G Leslie Boulevard, Jefferson City, MO 65101, or in person at the CONP Office, or, if technically feasible, by downloading a copy of the forms from the CONP web site at www.dhss.state.mo.us/con.

AUTHORITY: section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Amended: Filed June 9, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities no more than twenty-five thousand dollars (\$25,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101. To be considered, comments must be received by 5:00 p.m. on July 31, 2003. A public hearing has been scheduled for July 31, 2003, at 10:00 a.m. at the Certificate of Need Program Office located at 915G Leslie Blvd., Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 60-50.410 Letter of Intent Package
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Health care associations	\$25,000

II. WORKSHEET

Based on the following assumptions and estimates, the Private Entity Cost associated with the Proposed Amendment would be calculated as follows:

Certificate of Need activity monitoring costs: [(\$500 per CON meeting x 6 meetings) + (\$2000 for special hearing and meetings)] x 5 associations = \$25,000

IV. ASSUMPTIONS

Based on past experience and observations, it is estimated that state provider associations, including the Missouri Hospital Association, Missouri Health Care Association, Missouri Association of Homes for the Aging, Missouri Assisted Living Association, and Missouri League of Nursing Home Administrators, will expend specific funds to monitor each meeting of the Missouri Health Facilities Review Committee to assess its application of the rules and statutes to long term care applications, and to participate in additional meetings related to the administration of the certificate of need program activities. The expenses are based on an estimate of \$50 per hour per association representative.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.420 Review Process. The Committee proposes to amend section (3), delete section (4), and renumber sections (5)–(11).

PURPOSE: This amendment clarifies the process for submitting a Certificate of Need (CON) application for a CON review, and removes unneeded provisions.

(3) All filings must occur at the principal office of the */c/*Committee during regular business hours. The CONP staff, as an agent of the */c/*Committee, shall provide notification of applications received through publication of the Application Review Schedule (schedule), as follows:

(A) For full applications **and expedited applications**, the schedule shall include the filing date of the application, a brief description of the proposed service, the time and place for filing comments and requests for a public hearing, and the tentative date of the meeting at which the **full** application is scheduled for review **or tentative decision date for expedited applications**. Publication of the schedule shall occur on the next business day after the filing deadline. The publication of the schedule is conducted through the following actions:

[1. The schedule shall be submitted to the secretary of state's office for publication in the next regularly scheduled Missouri Register;]

[2.] 1. A press release about the CON application schedule shall be sent **by e-mail to all legislators, affected persons and** all newspapers of general circulation in Missouri as supplied by the Department of Health and Senior Services (DHSS), Office of Public Information;

[3.] 2. The schedule shall be *[posted]* **published** on the CON website; and

3. The schedule shall be submitted to the secretary of state's office for publication in the next regularly scheduled Missouri Register;

[4. The schedule shall be mailed to all affected persons who have registered with the CONP staff as having an interest in such CON applications.]

[(B) For expedited applications the schedule shall include the filing date of the application, a brief description of the proposed service, including the name and location of all participating facilities, the time and place for filing comments and requests for a public hearing, and the tentative decision date for the application. Publication of the schedule shall occur on the next business day after the filing deadline. The publication of the schedule is conducted through the following actions:

1. The schedule shall be submitted to the secretary of state's office for publication in the next regularly scheduled Missouri Register; and

2. The schedule shall be posted on the CON website.]

[(C)] (B) For non-applicability requests, the listing of non-applicability letters to be confirmed shall be posted on the CON website at least twenty (20) days prior to each scheduled meeting of the */c/*Committee where confirmation is to take place.

[(4) When an application for a full review is filed pursuant to

section 197.318.1, RSMo, the CONP staff shall immediately request certification of licensed and available bed occupancy and deficiencies for each of the most recent four (4) consecutive calendar quarters in the county and fifteen (15)-mile radius by the DHSS.]

[(5)] (4) The CONP staff shall review CON applications relative to the Criteria and Standards in the order filed.

[(6)] (5) The CONP staff shall notify the applicant in writing regarding the completeness of a full CON application within fifteen (15) calendar days of filing or within five (5) working days for an expedited application.

[(7)] (6) Verbal information or testimony shall not be considered part of the application.

[(8)] (7) Subject to statutory time constraints, the CONP staff shall send its written analysis to the */c/*Committee as follows:

(A) For full CON applications, the CONP staff shall send the analysis twenty (20) days in advance of the first */c/*Committee meeting following the seventieth (70th) day after the CON application is filed. The written analysis of the CONP staff shall be sent to the applicant no less than fifteen (15) days before the meeting.

(B) For expedited applications which meet all statutory and rules requirements and which have no opposition, the CONP staff shall send its written analysis to the */c/*Committee and the applicant within two (2) working days following the expiration of the thirty (30)-day public notice waiting period or the date upon which any required additional information is received, whichever is later.

(C) For expedited applications which do not meet all statutory and rules requirements or those which have opposition, they will be considered at the earliest scheduled */c/*Committee meeting where the written analysis by the CONP staff can be sent to the */c/*Committee and the applicant at least seven (7) days in advance.

[(9)] (8) See rule 19 CSR 60-50.600 for a description of the CON decision process.

[(10)] (9) An applicant may withdraw an application without prejudice by written notice at any time prior to the */c/*Committee's decision. Later submission of the same application or an amended application shall be handled as a new application with a new fee.

[(11)] (10) In addition to using the Community Need Criteria and Standards *[as guidelines]*, the */c/*Committee may also consider other factors to include, but not be limited to, the number of patients requiring treatment, the changing complexity of treatment, unique obstacles to access, competitive financial considerations, or the specialized nature of the service.

AUTHORITY: section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. Rescinded and readopted: Filed June 29, 1999, effective Jan. 30, 2000. Emergency rescission filed Dec. 14, 2001, effective Jan. 1, 2002, expired June 29, 2002. Rescinded and readopted: Filed Dec. 14, 2001, effective June 30, 2002. Emergency rescission and rule filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Amended: Filed June 9, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities no more than twenty-five thousand dollars (\$25,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101. To be considered, comments must be received by 5:00 p.m. on July 31, 2003. A public hearing has been scheduled for July 31, 2003, at 10:00 a.m. at the Certificate of Need Program Office located at 915G Leslie Blvd., Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 60-50.420 Review Process
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Health care associations	\$25,000

II. WORKSHEET

Based on the following assumptions and estimates, the Private Entity Cost associated with the Proposed Amendment would be calculated as follows:

Certificate of Need activity monitoring costs: [(\$500 per CON meeting x 6 meetings) + (\$2000 for special hearing and meetings)] x 5 associations = \$25,000

IV. ASSUMPTIONS

Based on past experience and observations, it is estimated that state provider associations, including the Missouri Hospital Association, Missouri Health Care Association, Missouri Association of Homes for the Aging, Missouri Assisted Living Association, and Missouri League of Nursing Home Administrators, will expend specific funds to monitor each meeting of the Missouri Health Facilities Review Committee to assess its application of the rules and statutes to long term care applications, and to participate in additional meetings related to the administration of the certificate of need program activities. The expenses are based on an estimate of \$50 per hour per association representative.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.430 Application Package. The Committee proposes to amend sections (2) and (4).

PURPOSE: This amendment provides the information requirements and the application format of how to complete a Certificate of Need (CON) application for a CON review, and removes unneeded provisions.

(2) A written application package consisting of an original and eleven (11) bound copies (comb or three (3)-ring binder) shall be prepared and organized as follows:

(B) The application package should use one (1) of the following CON Applicant's Completeness Checklists and Table of Contents appropriate to the proposed project, as follows:

1. New Hospital Application (Form MO 580-2501);

2. New **or** Additional Long-Term Care (LTC) Beds Application (Form MO 580-2502);

3. **New or Additional Long-Term Care Hospital (LTCH) Beds Application (use Form MO 580-2502);**

[3.] 4. New[**or**] Additional Equipment Application (Form MO 580-2503);

[4.] 5. Expedited LTC Bed Replacement/Expansion Application (Form MO 580-2504);

[5.] 6. Expedited LTC Renovation/Modernization Application (Form MO 580-2505); or

[6.] 7. Expedited Equipment Replacement Application (Form MO 580-2506).

(4) The Proposal Description shall include documents which:

(B) Describe the developmental details including:

1. A legible city or county map showing the exact location of the facility or health service, and a copy of the site plan showing the relation of the project to existing structures and boundaries;

2. Preliminary schematics for the project that specify the functional assignment of all space which will fit on an eight and one-half inch by eleven inch (8 1/2" × 11") format (not required for replacement equipment projects). The [CON] **Certificate of Need Program (CONP)** staff may request submission of an electronic version of the schematics, when appropriate. The function for each space, before and after construction or renovation, shall be clearly identified and all space shall be assigned;

3. Evidence of submission of architectural plans to the Division of [Health Standards and Licensure (DHSL) engineer] **Senior Services and Regulation, Department of Health and Senior Services**, for long-term care projects and [the DHSL architect for] other facilities (not required for replacement equipment projects);

4. For long-term care proposals, existing and proposed gross square footage for the entire facility and for each institutional service or program directly affected by the project. If the project involves relocation, identify what will go into vacated space;

5. Documentation of ownership of the project site, or that the site is available through a signed option to purchase or lease; and

6. Proposals which include major and other medical equipment should include an equipment list with prices and documentation in the form of bid quotes, purchase orders, catalog prices, or other sources to substantiate the proposed equipment costs;

(C) Proposals for new hospitals, new **or** additional long-term care

(LTC) beds, or new major medical equipment must define the community to be served[.];

1. Describe the service area(s) population using year 2005 populations and projections which are consistent with those provided by the Bureau of Health Data Analysis [or the Office of Social and Economic Data Analysis (OSED) when additional LTC beds are sought]] which can be obtained by contacting:

Chief, Bureau of Health Data Analysis

Center for Health Information Management and Evaluation
(CHIME)

Department of Health and Senior Services

PO Box 570, Jefferson City, MO 65102

Telephone: (573) 751-6278

[or

Director, Office of Social and Economic Data Analysis

625 Clark Hall, University of Missouri

Columbia, MO 65211

Telephone: (573) 882-7396].

There will be a charge for any of the information requested, and seven to fourteen (7-14) days should be allowed for a response from the CHIME [or OSED]. Information requests should be made to CHIME [or OSED] such that the response is received at least two (2) weeks before it is needed for incorporation into the CON application; and

2. Use the maps and population data received from CHIME [or OSED] with the CON Applicant's Population Determination Method to determine the estimated population, as follows:

A. Utilize all of the population for zip codes entirely within the fifteen (15)-mile radius for LTC beds or geographic service area for hospitals and major medical equipment;

B. Reference a state highway map (or a map of greater detail) to verify population centers (see Bureau of Health Data Analysis information) within each zip code overlapped by the fifteen (15)-mile radius or geographic service area;

C. Categorize population centers as either "in" or "out" of the fifteen (15)-mile radius or geographic service area and remove the population data from each affected zip code categorized as "out";

D. Estimate, to the nearest ten percent (10%), the portion of the zip code area that is within the fifteen (15)-mile radius or geographic service area by "eyeballing" the portion of the area in the radius (if less than five percent (5%), exclude the entire zip code);

E. Multiply the remaining zip code population (total population less the population centers) by the percentage determined in [“D”] (4)(C)2.D. (due to numerous complexities, population centers will not be utilized to adjust overlapped zip code populations in Jackson, St. Louis, and St. Charles Counties or St. Louis City; instead, the total population within the zip code will be considered uniform and multiplied by the percentage determined in [“D”] (4)(C)2.D;

F. Add back the population center(s) "inside" the radius or region for zip codes overlapped; and

G. The sum of the estimated zip codes, plus those entirely within the radius, will equal the total population within the fifteen (15)-mile radius or geographic service area;

3. Provide other statistics, such as studies, patient origin or discharge data, Hospital Industry Data Institute's [HIDI] information, or consultants' reports, to document the size and validity of any proposed user-defined "geographic service area";

(G) If an alternative methodology is added, specify the method used to make need forecasts and describe in detail whether projected utilizations will vary from past trends; **and**

AUTHORITY: section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. For

intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Amended: Filed June 9, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities no more than twenty-five thousand dollars (\$25,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101. To be considered, comments must be received by 5:00 p.m. on July 31, 2003. A public hearing has been scheduled for July 31, 2003, at 10:00 a.m. at the Certificate of Need Program Office located at 915G Leslie Blvd., Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 60-50.430 Application Package
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Health care associations	\$25,000

II. WORKSHEET

Based on the following assumptions and estimates, the Private Entity Cost associated with the Proposed Amendment would be calculated as follows:

Certificate of Need activity monitoring costs: [(\$500 per CON meeting x 6 meetings) + (\$2000 for special hearing and meetings)] x 5 associations = \$25,000

IV. ASSUMPTIONS

Based on past experience and observations, it is estimated that state provider associations, including the Missouri Hospital Association, Missouri Health Care Association, Missouri Association of Homes for the Aging, Missouri Assisted Living Association, and Missouri League of Nursing Home Administrators, will expend specific funds to monitor each meeting of the Missouri Health Facilities Review Committee to assess its application of the rules and statutes to long term care applications, and to participate in additional meetings related to the administration of the certificate of need program activities. The expenses are based on an estimate of \$50 per hour per association representative.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.450 Criteria and Standards for Long-Term Care. The Committee proposes to amend sections (1) and (2), add a new section (3), amend and renumber sections (4) and (5) and delete section (6).

PURPOSE: This amendment outlines, clarifies and expands the criteria and standards against which any project involving a long-term care facility would be evaluated in a Certificate of Need (CON) review, and removes unneeded provisions.

(1) *[All additional long-term care (LTC) beds in nursing homes, hospitals, and residential care facilities (RCF), and beds in long-term acute hospitals are subject to the LTC bed minimum occupancy requirements (MOR) pursuant to sections 197.317 and 197.318(1), RSMo, with certain exemptions and exceptions pursuant to sections 197.305(7) and 197.312, RSMo, and LTC bed expansions and replacements pursuant to sections 197.318.8 through 197.318.10, RSMo.] For purposes of determining need and evaluating area occupancy, residential care facility (RCF) I and RCF II shall be one separate classification and intermediate care facility (ICF) and skilled nursing facility (SNF) shall be another separate classification. For purposes of defining facilities and determining need, RCF I and RCF II, ICF and SNF, and long-term care hospital (LTCH) shall be recognized as three (3) separate classifications, consistent with the definition of health care facility in section 197.366(1), (2), and (3), RSMo.*

(2) *[The MOR for additional LTC beds pursuant to section 197.318.1, RSMo, shall be met if the average occupancy for all licensed and available LTC beds located within the county and within fifteen (15) miles of the proposed site exceeded ninety percent (90%) during at least each of the most recent four (4) consecutive calendar quarters at the time of application filing as reported in the Division of Health Standards and Licensure (DHSL), Department of Health and Senior Services, Quarterly Survey of Hospital and Nursing Home (or Residential Care Facility) Bed Utilization and certified through a written finding by the DHSL, in which case the/ The following population-based long-term care bed need methodology for the fifteen (15)-mile radius shall be used to determine the maximum size of the need:*

(A) Approval of additional *[intermediate care facility/skilled nursing facility (ICF/SNF)]* beds will be based on a service area need determined to be fifty-three (53) beds per one thousand (1,000) population age sixty-five (65) and older minus the current supply of ICF/SNF beds shown in the *[Inventory]* **Six-Quarter Occupancy of Hospital and Nursing Home Licensed and Available ICF/SNF Beds** as provided by the Certificate of Need Program (CONP) which includes licensed *[and]* beds, Certificate of Need (CON)-approved beds, and non-applicability beds; *[and]*

(B) Approval of additional RCF beds will be based on a service area need determined to be sixteen (16) beds per one thousand (1,000) population age sixty-five (65) and older minus the current supply of RCF beds shown in the *[Inventory]* **Six-Quarter Occupancy of Residential Care Facility Licensed and Available**

Beds as provided by the CONP which includes licensed *[and]* beds, CON-approved beds~~/.~~, and non-applicability beds; and

(C) Approval for LTCH beds, as described in 42 CFR, section 412.23(e), will be based on a service area need determined to be one-tenth (0.1) bed per one thousand (1,000) population minus the current supply of LTCH beds shown in **Six-Quarter Occupancy of Long-Term Care Hospital Licensed and Available Beds as provided by the CONP which includes licensed beds and CON-approved beds.**

(3) The minimum average utilization for all other long-term care beds of the same classification within a fifteen (15)-mile radius of the proposed site should have achieved at least eighty percent (80%) for the preceding six (6) consecutive calendar quarters at the time of application filing as reported in the Division of Senior Services and Regulation, Department of Health and Senior Services, **Six-Quarter Occupancy of Hospital and Nursing Home (or Residential Care Facility) Licensed and Available Beds and certified through a written finding by the DHSL.**

[[3]] (4) Replacement Chapter 198, RSMo, beds qualify for *[an exception to the LTC bed MOR plus]* shortened information requirements and review time frames if an applicant proposes to *[—]*:

(A) Relocate RCF beds within a six (6)-mile radius pursuant to section 197.318.8(4), RSMo;

(B) Replace one-half (1/2) of its licensed beds within a thirty (30)-mile radius pursuant to section 197.318.9, RSMo; or

(C) Replace a facility in its entirety within a fifteen (15)-mile radius pursuant to section 197.318.10, RSMo, under the following conditions:

1. The existing facility's beds shall be replaced at only one (1) site;
2. The existing facility and the proposed facility shall have the same owner(s), regardless of corporate structure; and
3. The owner(s) shall stipulate in writing that the existing facility's beds to be replaced will not be used later to provide long-term care services; or if the facility is operated under a lease, both the lessee and the owner of the existing facility shall stipulate the same in writing.

[[4]] (5) LTC bed expansions involving a Chapter 198, RSMo, facility qualify for *[an exception to the LTC bed MOR. In addition to the/]* shortened information requirements and review time frames, and applicants shall also submit the following information:

(A) If an effort to purchase has been successful pursuant to section 197.318.8(1), RSMo, a Purchase Agreement (Form MO 580-2352) between the selling and purchasing facilities, and a copy of the selling facility's reissued license verifying the surrender of the beds sold; or

(B) If an effort to purchase has been unsuccessful pursuant to section 197.318.8(1), RSMo, a Purchase Agreement (Form MO 580-2352) between the selling and purchasing facilities which documents the "effort(s) to purchase" LTC beds.

[[5]] (6) An exception to the *[LTC bed MOR and]* CON application filing fee will be recognized for any proposed facility which is designed and operated exclusively for persons with acquired human immunodeficiency syndrome (AIDS).

[[6]] An exception to the LTC bed MOR will be recognized for a proposed LTC facility where at least ninety-five percent (95%) of the patients require kosher diets pursuant to section 197.318.5, RSMo.]

*AUTHORITY: section 197.320, RSMo 2000. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Original rule filed Aug. 29, 1997, effective March 30, 1998. For intervening history, please consult the **Code of State Regulations**. Emergency rescission and rule filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Amended: Filed June 9, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities no more than one hundred fifty thousand dollars (\$150,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101. To be considered, comments must be received by 5:00 p.m. on July 31, 2003. A public hearing has been scheduled for July 31, 2003, at 10:00 a.m. at the Certificate of Need Program Office located at 915G Leslie Blvd., Jefferson City, Missouri.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 60-50.450 Criteria and Standards for Long-Term Care
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Health care associations	\$25,000
25	Full CON applications	\$125,000

II. WORKSHEET

Based on the following assumptions and estimates, the Private Entity Cost associated with the Proposed Amendment would be calculated as follows:

Certificate of Need activity monitoring costs: [(\$500 per CON meeting x 6 meetings) + (\$2000 for special hearing and meetings)] x 5 associations = \$25,000

Applications for CONs: (10 RCF app. + 10 ICF/SNF app. + 5 LTCH app.) x \$5,000 per app. = \$125,000

IV. ASSUMPTIONS

Based on past experience and observations, it is estimated that state provider associations, including the Missouri Hospital Association, Missouri Health Care Association, Missouri Association of Homes for the Aging, Missouri Assisted Living Association, and Missouri League of Nursing Home Administrators, will expend specific funds to monitor each meeting of the Missouri Health Facilities Review Committee to assess its application of the rules and statutes to long term care applications, and to participate in additional meetings related to the administration of the certificate of need program activities. The expenses are based on an estimate of \$50 per hour per association representative.

Based on CON application submission experience, it is estimated that full applications for either expansions of existing or development of new long term care facilities would annually include the following: 10 applications for residential care facilities, 10 applications for intermediate care and/or skilled nursing facilities, and 5 long term care hospitals. According to inquiries with experienced consultants, the estimated cost for the preparation and submission of each application would be \$5,000.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

PROPOSED AMENDMENT

19 CSR 60-50.700 Post-Decision Activity. The Committee proposes to amend and renumber sections (1)–(8) and add new sections (3) and (4).

PURPOSE: This amendment clarifies and expands the procedure for filing Periodic Progress Reports after approval of Certificate of Need (CON) applications, CONs subject to forfeiture, and the procedure for requesting a cost overrun.

(1) Applicants who have been granted a Certificate of Need (CON) or a **Non-Applicability CON letter** shall file reports with the Missouri Health Facilities Review Committee (Committee), using Periodic Progress Report (Form MO 580-1871). *[The reports]* **A report** shall be filed by the end of each six (6)-month period after CON approval, or issuance of a **Non-Applicability CON letter**, until project construction and/or expenditures are complete. All Periodic Progress Reports must contain a complete and accurate accounting of all expenditures for the report period.

(2) Applicants who **have been granted a CON** and fail to incur a capital expenditure within six (6) months may request an extension of six (6) months by submitting a letter to the */c/*Committee outlining the reasons for the failure, with a listing of the actions to be taken within the requested extension period to insure compliance.*./; the/* **The** Certificate of Need Program (CONP) staff on behalf of the */c/*Committee will analyze the request and grant an extension, if appropriate. Applicants who request additional extensions must provide additional financial information or other information, if requested by the CONP staff.

(3) **For those long-term care proposals receiving a CON in 2003 for which no construction can begin prior to January 1, 2004, such proposals shall not be subject to forfeiture until July 1, 2004, at which time reporting requirements shall commence. Applicants may request an extension of six (6) months for such proposals.**

(4) **A Non-Applicability CON letter is valid for six (6) months from the date of issuance. Failure to incur a capital expenditure or purchase the proposed equipment within that time frame shall result in the Non-Applicability CON letter becoming null and void. The applicant may request one (1) six (6)-month extension unless otherwise constrained by statutory changes.**

[[3]] (5) A CON shall be subject to forfeiture for failure to—

(A) Incur a project-specific capital expenditure within twelve (12) months after the date the CON was issued through initiation of project aboveground construction or lease/purchase of the proposed equipment since a capital expenditure, according to generally accepted accounting principles, must be applied to a capital asset; or
(B) File the required Periodic Progress Report.

[[4]] (6) If the CONP staff finds that a CON may be subject to forfeiture—

(A) Not less than thirty (30) calendar days prior to a */c/*Committee meeting, the CONP shall notify the applicant in writing of the pos-

sible forfeiture, the reasons for it, and its placement on the */c/*Committee agenda for action; and

(B) After receipt of the notice of possible forfeiture, the applicant may submit information to the */c/*Committee within ten (10) calendar days to show compliance with this rule or other good cause as to why the CON shall not be forfeited.

[[5]] (7) If the Committee forfeits a CON or a **Non-Applicability CON letter becomes null and void**, CONP staff shall notify all affected state agencies of this action.

[[6]] (8) Cost overrun review procedures implement the CON statute section 197.315.7, RSMo. Immediately upon discovery that a project's actual costs would exceed approved project costs by more than ten percent (10%), an applicant shall apply for approval of the cost variance. A nonrefundable fee in the amount of one-tenth of one percent (0.1%) of the additional project cost above the approved amount made payable to "Missouri Health Facilities Review Committee" shall be required. The original and eleven (11) copies of the information requirements for a cost overrun review are required as follows:

(A) Amount and justification for cost overrun shall document—

1. Why and how the approved project costs would be exceeded, including a detailed listing of the areas involved;

2. Any changes that have occurred in the scope of the project as originally approved; and

3. The alternatives to incurring this overrun that were considered and why this particular approach was selected~~./; and~~

(B) Provide a Proposed Project Budget (Form MO 580-1863).

[[7]] (9) At any time during the process from Letter of Intent to project completion, the applicant is responsible for notifying the */c/*Committee of any change in the designated contact person. If a change is necessary, the applicant must file a Contact Person Correction (Form MO 580-1870).

[[8]] (10) The most current version of Forms MO 580-1871, MO 580-1863, and MO 580-1870 may be obtained by mailing a written request to the CONP, 915G Leslie Boulevard, Jefferson City, MO 65101, or in person at the CONP Office, or, if technically feasible, by downloading a copy of the forms from the CONP website at www.dhss.state.mo.us/con.

AUTHORITY: section 197.320, RSMo 2000. Original rule filed June 2, 1994, effective Nov. 30, 1994. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Amended: Filed June 9, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities no more than sixty-five thousand dollars (\$65,000) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support or in opposition to this proposed amendment with Thomas R. Piper, Director, Certificate of Need Program, 915G Leslie Blvd., Jefferson City, MO 65101. To be considered, comments must be received by 5:00 p.m. on July 31, 2003. A public hearing has been scheduled for July 31, 2003, at 10:00 a.m. at the Certificate of Need Program Office located at 915G Leslie Blvd., Jefferson City, Missouri.*

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 60-50.700 Post-Decision Activity
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Health care associations	\$25,000
40	Non-Applicability followups	\$40,000

II. WORKSHEET

Based on the following assumptions and estimates, the Private Entity Cost associated with the Proposed Amendment would be calculated as follows:

Certificate of Need activity monitoring costs: $[(\$500 \text{ per CON meeting} \times 6 \text{ meetings}) + (\$2000 \text{ for special hearing and meetings})] \times 5 \text{ associations} = \$25,000$

Progress reports for Non-Applicability CON letters: $40 \text{ letters} \times \$1,000 \text{ per letter} = \$40,000$

IV. ASSUMPTIONS

Based on past experience and observations, it is estimated that state provider associations, including the Missouri Hospital Association, Missouri Health Care Association, Missouri Association of Homes for the Aging, Missouri Assisted Living Association, and Missouri League of Nursing Home Administrators, will expend specific funds to monitor each meeting of the Missouri Health Facilities Review Committee to assess its application of the rules and statutes to long term care applications, and to participate in additional meetings related to the administration of the certificate of need program activities. The expenses are based on an estimate of \$50 per hour per association representative.

Based on CON periodic progress experience and Non-Applicability CON letter estimates, it is estimated that half of those letters issued will be immediately completed, and the remaining 40 letters will require a series of progress reports to be submitted prior to completion. According to inquiries with experienced consultants, the estimated cost for the preparation and submission of each project would be \$1,000.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.010 Definitions of the Missouri Department of Agriculture Organic Program is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 308). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.015 The Adoption of NOP Standards is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 308–309). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.020 MDA Organic Program Advisory Board is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 309). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.025 Procedures for Organic Certification is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 309–311). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.030 Records to be Maintained for Certification is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 312-313). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.035 Inspections and Sampling for Certification is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 314). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.040 Complaints and Investigations is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 314). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.045 Compliance Enforcement is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 314-315). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.050 Certificates Issued as Result of Certification with the MDA Organic Program is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 315). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program**

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.055 MDA Organic Program Seal is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 315). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.060 Registration with the MDA Organic Program is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 316-317). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.065 Inspection and Sampling for Registration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 318). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.070 Marketing When Registered with the MDA Organic Program is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 318). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 70—Plant Industries
Chapter 16—Missouri Department of Agriculture
Organic Program

ORDER OF RULEMAKING

By the authority vested in the Plant Industries Division under section 261.110, RSMo Supp. 2002, the director adopts a rule as follows:

2 CSR 70-16.075 Organic Certifying Agent Registration is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 318-319). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 140—Division of Finance
Chapter 2—Banks and Trust Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri commissioner of finance under section 361.105, RSMo 2000, the commissioner and the board amend a rule as follows:

4 CSR 140-2.055 Purchase of Bank Owned Life Insurance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 18, 2003 (28 MoReg 319-320). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on March 20, 2003, and the public comment period ended on March 20, 2003. No written comments were submitted for filing prior to the public hearing. At the public hearing one commenter testified and also submitted written comments and exhibits. These comments presented various matters for consideration. For clarity the comments will be addressed separately. The division considered all the comments and to the extent any information is not specifically addressed it is the division's position that the information either supports the final order of rulemaking or did not present a sufficient basis for a change to the rule and proposed amendment.

COMMENT: Concentrations of credit risk are addressed in the rule by limiting the amount of insurance that can be purchased from any one carrier based on cash surrender values. The commenter recommended a reduction to the per carrier limit to compel greater diversification of the carriers utilized by a bank for a bank owned life

insurance program. The commenter also stated that additional guidance on concentrations of credit risk should be considered in the rule.

RESPONSE: The division agrees that a sound plan for bank owned life insurance requires credit risk to be managed and in some circumstances will require diversification among carriers. The rule sets a minimum requirement for diversification. Banks routinely manage credit risk as part of the bank's lending and investment activities. The division does not see a need at this time in this rule to further limit the discretion of banks in managing credit risk related to a bank owned insurance program.

COMMENT: The commenter questioned whether the per carrier limit based on cash surrender values would be measured at the time of purchase or measured throughout the life of the policy. The commenter stated that federal authorities view similar federal limits as rigid throughout the life of any policy.

RESPONSE: Any bank considering the purchase of bank owned life insurance that will have a cash surrender value should take into account the cash surrender value relative to its capital levels and legal loan limit at the time of purchase. The bank should also consider projected increases in the cash surrender value and the projected changes in capital levels and the bank's legal loan limit for the duration of the contract. The proposed rule is consistent with this view and with federal regulatory authority.

COMMENT: The commenter indicated that the rule should address a bank's authority to hold insurance on an individual after termination of the employment relationship and recommended incorporation of Missouri's insurable interest laws. The commenter also stated that determining whether a person qualifies as a "key" person should take into account the person's economic contribution to the bank.

RESPONSE: The proposed rule states that the authority to hold a key person policy lapses when the individual is no longer considered a key person when, because of a change in employment status or responsibilities, the person is no longer considered a key person. Employment status or responsibilities to the bank take into account or mirror a person's economic contribution to the bank so a change to specifically address a person's economic contribution is redundant. The rule does not change and does not supersede state law on insurable interest. The proposed rule is consistent with legal requirements for insurable interest. The proposed rule states that life insurance purchased in conjunction with employee compensation and benefit plans may be held so long as the bank's liabilities under associated compensation and benefit plans continue. Insurance purchased to protect the bank's interest in the life of a borrower is limited to the principal balance of the borrower's obligation. The proposed rule adequately addresses these matters.

COMMENT: The commenter recommended that the use of bank owned life insurance for estate planning purposes should be prohibited unless it is part of a reasonable compensation plan. The commenter also stated that "Funding for the payment of compensation and benefit plans may be made or split in a joint manner between the bank, employee, or director as in 'split dollar' or other insurance plans."

RESPONSE: Under the rule for bank owned life insurance, estate planning is not an authorized purpose of the bank. There is no need to prohibit what is not authorized. The division recognizes that individuals might take into account available insurance under a bank compensation plan when doing their personal estate planning. With respect to split funding of bank owned life insurance plans a conflict and a regulatory issue might arise with arrangements where the cost of bank owned life insurance is split between the bank, employee or director. The rule allows flexibility in this regard. However, where the bank's plan requires the employee to be responsible for a portion of the cost of a split dollar policy an issue could arise if the bank

elects to fund the employee's portion of the cost and later recovers it from the cash surrender value. In this case the bank is advancing credit. The rule does not provide and is not intended to provide any exception to limitations that apply to extensions of credit. Since the rule provides no exception, the bank's plan for bank owned life insurance must take these matters into account.

COMMENT: The commenter raised various issues with "separate account" life insurance being part of a bank owned life insurance plan. Separate account life insurance presents complex considerations and structural issues that must be addressed to avoid improper terms or structures that could cause adverse tax consequences to the bank. The commenter also noted that the use of equity investments in separate accounts has been limited by federal regulators absent the use of the investments as a direct hedge against a deferred compensation liability.

RESPONSE: These matters are the responsibility of the bank as well as the bank's consultants, agents and brokers and require the exercise of due diligence in structuring and implementing a bank owned life insurance plan. Many of the abuses or pitfalls recognized in this comment arise from implementing a plan of bank owned life insurance as an investment. The rule does not authorize bank owned life insurance as an investment. Banks, consultants, agents and brokers each have a duty to exercise diligence and competence in the conduct of their affairs. This is inherent and is not a matter that needs to be prescribed by rule.

COMMENT: The commenter suggested that the rule incorporate express requirements for a bank to document a pre-purchase analysis of any bank owned insurance transaction and to require continued monitoring and compliance. The commenter also recommended that banks document their understanding of bank owned life insurance and its risks.

RESPONSE: The proposed rule sets out certain express requirements for documentation and prescribes certain criteria a bank must consider to implement a bank owned life insurance plan. The rule confirms legal authority for bank owned life insurance programs as incidental to a bank's business. However, the rule is not intended to present every factor or requirement that a bank should or must consider. Banks, consultants, agents and brokers each have a duty to exercise diligence and competence and to avoid conflict of interest in the conduct of their affairs and these duties are not diminished or supplanted by the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 140—Division of Finance Chapter 2—Banks and Trust Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri commissioner of finance under section 361.105, RSMo 2000, the commissioner and the board amend a rule as follows:

4 CSR 140-2.140 Preservation of Books and Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 18, 2003 (28 MoReg 320). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on March 20, 2003, and the public comment period ended on March 20, 2003. No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 140—Division of Finance
Chapter 11—Small, Small Loan Companies**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri commissioner of finance under section 361.105, RSMo 2000, the commissioner and the board rescind a rule as follows:

4 CSR 140-11.010 Small, Small Loan Companies—Licensing and General Provisions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 18, 2003 (28 MoReg 320). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 140—Division of Finance
Chapter 11—Small, Small Loan Companies**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri commissioner of finance under section 361.105, RSMo 2000, the commissioner and the board rescind a rule as follows:

4 CSR 140-11.020 Small, Small Loan Companies—Recordkeeping is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 18, 2003 (28 MoReg 320-321). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 140—Division of Finance
Chapter 11—Section 500 Companies**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri commissioner of finance under section 361.105, RSMo 2000, the commissioner and the board adopt a rule as follows:

4 CSR 140-11.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 321). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held on March 20, 2003, and the public comment period ended on March 20, 2003. One (1) written comment was received prior to the hearing date; no comments were made at the hearing.

COMMENT: Gregory T. J. Madson, Vice President and Secretary for Check into Cash, Cleveland, Tennessee, noted that the current wording of the first sentence of section (8) Renewals could be read as contradicting both 408.500, RSMo and the remainder of section (8). RESPONSE AND EXPLANATION OF CHANGE: The comment was given due consideration and a change was made to clarify the rule.

4 CSR 140-11.030 Licensing and General Provisions

(8) Renewals. The General Assembly has clearly indicated its intention that no borrower is to be indebted to a section 500 company on any particular loan for any great period of time. This is evidenced by language that a) requires the borrower to begin reducing the principal amount of the loan by not less than five percent (5%) with the first renewal, b) limits the number of renewals to six (6), and c) provides for seventy-five percent (75%) of the original loan amount as the maximum amount of interest and fees that a lender may collect. In determining whether a renewal or something else which does not count as a renewal has occurred, the Division of Finance will insist upon absolute good faith from its licensees and will look to substance rather than form. Generally, if the customer enters the office indebted and leaves the office indebted, a renewal will be assumed to have taken place unless the loan was paid in full in cash. A section 500 company is required by section 408.500.7, RSMo to consider, at the inception of the loan, the borrower's ability to repay. This requires the section 500 company to consider the borrower's ability to make the required principal reductions when necessary. Exceptions to this requirement may result in enforcement as provided in sections 408.500.9 and 408.500.10, RSMo, which may include fines and/or revocation or suspension of the license. If a loan is renewed without the required principal reduction, the section 500 company shall reduce the principal of the loan to an amount that is consistent with the requirements of section 408.500.6, RSMo.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 140—Division of Finance
Chapter 11—Section 500 Companies**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Banking Board and the Missouri commissioner of finance under section 361.105, RSMo 2000, the commissioner and the board adopt a rule as follows:

4 CSR 140-11.040 Record Keeping is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 322). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held on March 20, 2003, and the public comment period ended on March 20, 2003. No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 335.036 and 335.046, RSMo 2000, the board amends a rule as follows:

4 CSR 200-4.010 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 541-542). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.140 and 338.280, RSMo 2000, the board amends a rule as follows:

4 CSR 220-2.130 Drug Repackaging is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 403). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment in support of the proposed amendment was received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.030.4 and 337.050, RSMo 2000, the board amends a rule as follows:

4 CSR 235-1.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 545-546). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received. However, based on review of the proposed amendment and the committee's five (5) year revenue projections, the committee voted not to amend the renewal fees as published in the proposed amendment.

4 CSR 235-1.020 Fees

(1) The following fees are established for the State Committee of Psychologists and are payable to the State Committee of Psychologists:

(E) Biennial Renewal Fee	\$300.00
(M) Health Service Provider Biennial Renewal Fee	\$100.00

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Administrative and Financial
Services
Chapter 4—General Administration**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.430, RSMo 2000, the board rescinds a rule as follows:

**5 CSR 30-4.010 General Provisions for Federal Programs
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 18, 2003 (28 MoReg 322-323). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after the publication of the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 355—No Child Left Behind**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.261, RSMo Supp. 2001, 161.092, RSMo Supp. 2002 and 167.171, RSMo 2000, the board adopts a rule as follows:

5 CSR 50-355.100 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 18, 2003 (28 MoReg 323-324). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received two (2) letters with comments.

COMMENT: The board received one (1) comment seeking clarification of the expulsion definition.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and agrees to clarify the definition by changing subsection (1)(A) of the rule, which is reprinted here for clarity.

COMMENT: The board received one (1) comment to add definition of victim and the offenses to which an individual may be a victim.

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment, added the definition of victim as subsection (1)(B) and the offenses in a new section (5), and renumbered the old section (5) to (6). Those changes are reprinted here for clarity.

COMMENT: The board received one (1) comment to remove “and those offenses that would bar a student from readmission to school pursuant 167.171, RSMo.”

RESPONSE AND EXPLANATION OF CHANGE: The board carefully reviewed the comment and agrees to delete the reference to 167.171 and change section (4), which is reprinted here for clarity.

COMMENT: The board received one (1) comment from one school administrator noting that the rule will inhibit schools from taking corrective actions of removing students who present a real and present danger to the student body/faculty.

RESPONSE: The board carefully reviewed the comment and would point out that No Child Left Behind requires us to identify Persistently Dangerous Schools. The board determined that no action or changes were needed in response to the comment.

5 CSR 50-355.100 Persistently Dangerous Schools

(1) The following definition(s) apply to this rule:

(A) Expulsions are defined as removal from school by local board action for an indefinite period of time unless the student is reinstated by the local board of education.

(B) A victim is a student who suffered a personal injury or injury to his or her property as a direct result of a violent criminal offense. The definition of victim does not include bystanders or witnesses to the act or friends or classmates of the victim unless they, too, suffered personal or property injury as a direct result of a violent criminal offense.

(4) For the purpose of determining a persistently dangerous school, a “violent criminal offense” shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency pursuant to section 160.261, RSMo. Violent criminal offenses shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data. Violent criminal offenses are as follows:

(5) For the purpose of determining when a student has been a victim of a violent criminal offense eligible to transfer to a safe school in the district, a violent criminal offense includes:

- (A) Kidnapping under section 565.110, RSMo;
- (B) Assault 1st Degree under section 565.050, RSMo;
- (C) Forcible Rape under section 566.030, RSMo;
- (D) Forcible Sodomy under section 566.060, RSMo;
- (E) Burglary 1st Degree under section 569.160, RSMo;
- (F) Robbery 1st Degree under section 569.020, RSMo;
- (G) Arson 1st Degree under section 569.040, RSMo;
- (H) Assault 2nd Degree under section 565.060, RSMo;
- (I) Sexual Assault under section 566.040, RSMo;
- (J) Felonious Restraint under section 565.120, RSMo;
- (K) Property Damage 1st Degree under section 569.100, RSMo;

- (L) Child Molestation 1st Degree under section 566.067, RSMo;
- (M) Deviate Sexual Assault under section 566.070, RSMo;
- (N) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or
- (O) Sexual Abuse under section 566.100, RSMo.

(6) A Missouri public elementary or secondary school shall receive technical assistance from DESE staff which includes but may not be limited to a site visit to work with building and district staff to prepare and implement a plan to prevent the building from meeting the criteria for a second year if it has:

(A) In any one (1) year:

- 1. A federal or state gun-free schools violation; or
- 2. A violent criminal offense, as set forth above, on school property; or

(B) In any one (1) year, expulsions by local board action for drugs, alcohol, weapons or violence that exceed one (1) of the following rates:

- 1. More than five (5) expulsions for schools of less than two hundred fifty (250) students;
- 2. More than ten (10) expulsions for schools of more than two hundred fifty (250) students, but less than one thousand (1,000) students; or
- 3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 10—Division of Employment Security Chapter 3—Unemployment Insurance

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under sections 288.040, 220.070 and 288.220.5, RSMo 2000, the division amends a rule as follows:

8 CSR 10-3.010 Registration and Claims in General is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 551). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS Division 20—Labor and Industrial Relations Commission Chapter 3—Rules Relating to Division of Workers’ Compensation

ORDER OF RULEMAKING

By the authority vested in the Labor and Industrial Relations Commission under section 286.060, RSMo 2000, the commission amends a rule as follows:

8 CSR 20-3.030 Review of Awards or Orders Issued by
Administrative Law Judges is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 18, 2003 (28 MoReg 325). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division rescinds a rule as follows:

11 CSR 40-2.010 Definitions is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2003 (28 MoReg 645). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division rescinds a rule as follows:

11 CSR 40-2.020 Administration is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2003 (28 MoReg 645). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division rescinds a rule as follows:

11 CSR 40-2.030 Existing Installations—Power Boilers is
rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2003 (28 MoReg 645–646). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division rescinds a rule as follows:

11 CSR 40-2.040 Existing Heating Boilers is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2003 (28 MoReg 646). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division rescinds a rule as follows:

11 CSR 40-2.050 Existing Pressure Vessels is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2003 (28 MoReg 646). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 2—Boiler and Pressure Vessel Safety Rules

ORDER OF RULEMAKING

By the authority vested in the Division of Fire Safety under section 650.215, RSMo 2000, the division rescinds a rule as follows:

11 CSR 40-2.060 General Requirements is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 1, 2003 (28 MoReg 646). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 40—Division of Fire Safety
Chapter 5—Elevators**

ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety under section 701.355, RSMo 2000, the department amends a rule as follows:

11 CSR 40-5.110 Fees and Penalties is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2003 (28 MoReg 646-648). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.360, RSMo 2000, the superintendent hereby amends a rule as follows:

11 CSR 50-2.430 Verification of Homemade Trailers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2003 (28 MoReg 649-650). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

ORDER OF RULEMAKING

By the authority vested in the superintendent of the Missouri State Highway Patrol under sections 301.190, 307.190 and 307.360, RSMo 2000, the superintendent hereby amends a rule as follows:

11 CSR 50-2.440 Vehicle Identification Number and Odometer Reading Verification is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2003 (28 MoReg 650). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.152, 208.153 and 208.201, RSMo 2000 and 208.471, RSMo Supp. 2002, the director amends a rule as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 17, 2003 (28 MoReg 560-561). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program**

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under section 208.201, RSMo 2000, the director amends a rule as follows:

13 CSR 70-20.320 Pharmacy Reimbursement Allowance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 409). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 1—Organization and Operation
of Board of Trustees**

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo 2000, the board of trustees hereby amends a rule as follows:

16 CSR 10-1.010 General Organization is amended.

A notice of proposed rulemaking was published in the *Missouri Register* on March 17, 2003 (28 MoReg 566). No changes have been made in the text of the proposed amendment, so it is not reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-1.010 General Organization is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 412). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.015 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 412). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules
ORDER OF RULEMAKING**

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

**19 CSR 73-2.020 Procedures and Requirements for Licensure of
Nursing Home Administrators is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 412–417). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.025 Licensure by Reciprocity is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 417). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

**19 CSR 73-2.031 Prescribed Course of Instruction and Training is
amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 417). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.050 Renewal of Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 418-419). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 73—Missouri Board of Nursing Home Administrators Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.051 Retired Licensure Status is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 419). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 73—Missouri Board of Nursing Home Administrators Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.055 Renewal of Expired License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 419-420). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 73—Missouri Board of Nursing Home Administrators Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.060 Registration of Training Agencies and Single Offering Providers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 420). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 73—Missouri Board of Nursing Home Administrators Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.080 Temporary Emergency Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 420). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES Division 73—Missouri Board of Nursing Home Administrators Chapter 2—General Rules ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.085 Public Complaints is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003

(28 MoReg 421). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.090 Disciplinary Action is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 421). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Board of Nursing Home Administrators under section 344.070, RSMo 2000, the board amends a rule as follows:

19 CSR 73-2.095 Standards of Professional Conduct is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 3, 2003 (28 MoReg 421). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 100—Division of Credit Unions

ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

Credit Union	Proposed New Group or Geographic Area
Aerospace Community Credit Union 1550 Country Club Plaza St. Charles, MO 63303-3889	Those who live or work in the remainder of St. Louis City, St. Louis County and St. Charles County that is not currently included in Aerospace Community Credit Union's field of membership and those who live or work in Lincoln County.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF WINDING UP TO
UNKNOWN CLAIMANTS AGAINST
DZG, LLC (f/k/a DZGENES, L.L.C.)

Effective April 18, 2003, DZG, LLC, a Missouri limited liability company formerly known as DzGenes, L.L.C. (the "Company"), the principal office of which is located at Paxton Properties Incorporated, 595 Madison Avenue, The Penthouse, New York, New York 10022, filed a notice of winding up.

All claims against the Company should be presented in accordance with this notice of winding up. Claims should be in writing and sent to the Company at this mailing address:

DZG, LLC
c/o Stinson Morrison Hecker LLP
100 South Fourth Street, Suite 700
St. Louis, Missouri 63102
Attention: John W. Finger

Each claim must contain: (1) the name, address and telephone number of the claimant(s); (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documentation related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred.

Claims against the Company WILL BE BARRED unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice of winding up.

Dated: June 2, 2003.

**NOTICE OF DISSOLUTION TO ALL CLAIMANTS AGAINST
JOHNSON, FELLOWS, BLAKE & TERRY, P.C.,
a Missouri Corporation**

On May 5, 2003, Johnson, Fellows, Blake & Terry, P.C., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution of the corporation was effective on that date.

All claims must include: the name and address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which provided the basis for the claim; and copies of any other supporting data. Claims should be in writing and mailed to the corporation at University Club Tower, Suite 1380, 1034 S. Brentwood Blvd., Brentwood, MO 63144.

Any claim against Johnson, Fellows, Blake & Terry, P.C., will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us.

- B3E03261 Printing-2003 Session Laws of Missouri for the Joint Committee on Legislative Research 7/09/03
- B1E03270 Neonatal Screening Systems 7/10/03
- B3E03259 Elevator Maintenance Services for the Department of Mental Health 7/10/03
- B2E04003 Predictive Dialer System Upgrade 7/14/03
- B2Z03052 Internet Dial Access 7/15/03
- B3Z03252 Third Party Administrator-Life Insurance 7/16/03
- B3Z03254 Petroleum Storage Tank Inspection and Loss Prevention Services for the Missouri Petroleum Storage Tank Insurance Fund 7/25/03
- B3Z03160 Exhibit Production 8/6/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

Personality Temperament Training Certification supplied by True Colors Communication Group.

Candle Corporation OMEGAMON Software Licensing, Upgrades & Support Services.

James Miluski, CPPO,
Director of Purchasing

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel		28 MoReg 225	28 MoReg 983	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.010	Animal Health		28 MoReg 399 28 MoReg 707	28 MoReg 1117	
2 CSR 30-2.020	Animal Health		28 MoReg 399 28 MoReg 708 28 MoReg 708	28 MoReg 1117	
2 CSR 30-2.040	Animal Health		28 MoReg 400 28 MoReg 711	28 MoReg 1117	
2 CSR 30-6.020	Animal Health		28 MoReg 400	28 MoReg 1117	
2 CSR 30-9.020	Animal Health		28 MoReg 1085		
2 CSR 30-9.030	Animal Health		28 MoReg 1086		
2 CSR 70-16.010	Plant Industries		28 MoReg 308	This Issue	
2 CSR 70-16.015	Plant Industries		28 MoReg 308	This Issue	
2 CSR 70-16.020	Plant Industries		28 MoReg 309	This Issue	
2 CSR 70-16.025	Plant Industries		28 MoReg 309	This Issue	
2 CSR 70-16.030	Plant Industries		28 MoReg 312	This Issue	
2 CSR 70-16.035	Plant Industries		28 MoReg 314	This Issue	
2 CSR 70-16.040	Plant Industries		28 MoReg 314	This Issue	
2 CSR 70-16.045	Plant Industries		28 MoReg 314	This Issue	
2 CSR 70-16.050	Plant Industries		28 MoReg 315	This Issue	
2 CSR 70-16.055	Plant Industries		28 MoReg 315	This Issue	
2 CSR 70-16.060	Plant Industries		28 MoReg 316	This Issue	
2 CSR 70-16.065	Plant Industries		28 MoReg 318	This Issue	
2 CSR 70-16.070	Plant Industries		28 MoReg 318	This Issue	
2 CSR 70-16.075	Plant Industries		28 MoReg 318	This Issue	
2 CSR 80-5.010	State Milk Board		28 MoReg 637		
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		28 MoReg 1088		
3 CSR 10-6.405	Conservation Commission		28 MoReg 851		
3 CSR 10-7.410	Conservation Commission		28 MoReg 1088		
3 CSR 10-7.455	Conservation Commission		28 MoReg 1089		
3 CSR 10-9.110	Conservation Commission		28 MoReg 400 28 MoReg 1089	28 MoReg 983	
3 CSR 10-9.565	Conservation Commission		28 MoReg 401	28 MoReg 983	
3 CSR 10-10.726	Conservation Commission		28 MoReg 851		
3 CSR 10-10.732	Conservation Commission		28 MoReg 852		
3 CSR 10-10.745	Conservation Commission		N.A.	28 MoReg 1118R	
3 CSR 10-11.160	Conservation Commission		28 MoReg 1089		
3 CSR 10-11.180	Conservation Commission		28 MoReg 1090		
3 CSR 10-11.182	Conservation Commission		28 MoReg 1090		
3 CSR 10-11.186	Conservation Commission		28 MoReg 402 28 MoReg 1091	28 MoReg 983	
3 CSR 10-11.205	Conservation Commission		28 MoReg 402 28 MoReg 1091	28 MoReg 984	
3 CSR 10-11.210	Conservation Commission		28 MoReg 403	28 MoReg 984	
3 CSR 10-12.110	Conservation Commission		28 MoReg 1092		
3 CSR 10-12.135	Conservation Commission		28 MoReg 1092		
3 CSR 10-12.140	Conservation Commission		28 MoReg 1093		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.022	Missouri State Board of Accountancy		27 MoReg 2266	28 MoReg 984	
4 CSR 30 4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 128	28 MoReg 897	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 131	28 MoReg 897	
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145	28 MoReg 897	
4 CSR 30-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 852		
4 CSR 30-16.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 853		
4 CSR 30-16.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 854		
4 CSR 30-16.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856		
4 CSR 30-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856		
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 135	28 MoReg 898	
4 CSR 90-13.050	State Board of Cosmetology		28 MoReg 137	28 MoReg 898	
4 CSR 100	Division of Credit Unions				28 MoReg 814 28 MoReg 914 28 MoReg 1143 This Issue
4 CSR 140-2.055	Division of Finance		28 MoReg 319	This Issue	
4 CSR 140-2.140	Division of Finance		28 MoReg 320	This Issue	
4 CSR 140-11.010	Division of Finance		28 MoReg 320R	This IssueR	
4 CSR 140-11.020	Division of Finance		28 MoReg 320R	This IssueR	
4 CSR 140-11.030	Division of Finance		28 MoReg 321	This Issue	
4 CSR 140-11.040	Division of Finance		28 MoReg 322	This Issue	
4 CSR 145-1.030	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 145-2.030	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 145-2.100	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 150-5.100	State Board of Registration for the Healing Arts		27 MoReg 2146	28 MoReg 898	
4 CSR 150-8.140	State Board of Registration for the Healing Arts		28 MoReg 139	28 MoReg 898	
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		28 MoReg 857		
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Specialists		28 MoReg 858		
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		28 MoReg 858		
4 CSR 196-1.010	Landscape Architectural Council		27 MoReg 2146R	28 MoReg 899R	
4 CSR 200-4.010	State Board of Nursing		28 MoReg 541	This Issue	
4 CSR 200-4.200	State Board of Nursing		27 MoReg 2150	28 MoReg 899	
4 CSR 220-2.010	State Board of Pharmacy		28 MoReg 543		
4 CSR 220-2.020	State Board of Pharmacy		28 MoReg 9	28 MoReg 899	
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 2268	28 MoReg 900	
4 CSR 220-2.130	State Board of Pharmacy		28 MoReg 403	This Issue	
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268	28 MoReg 900W	
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R	28 MoReg 1118R	
			28 MoReg 10	28 MoReg 1118	
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20	28 MoReg 1133	
4 CSR 220-2.650	State Board of Pharmacy		28 MoReg 21	28 MoReg 900	
4 CSR 220-2.700	State Board of Pharmacy		27 MoReg 2268	28 MoReg 900	
4 CSR 220-2.900	State Board of Pharmacy		28 MoReg 543		
4 CSR 220-5.020	State Board of Pharmacy		This Issue		
4 CSR 230-2.070	State Board of Podiatric Medicine		28 MoReg 139	28 MoReg 900	
4 CSR 235-1.020	State Committee of Psychologists		28 MoReg 545	This Issue	
4 CSR 240-3.180	Public Service Commission		28 MoReg 1024		
4 CSR 240-3.250	Public Service Commission		28 MoReg 1028		
4 CSR 240-20.065	Public Service Commission		28 MoReg 711		
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159	28 MoReg 1048	
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160	28 MoReg 1048	
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163	28 MoReg 1049	
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166	28 MoReg 1049	
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169	28 MoReg 1050	
4 CSR 240-40.018	Public Service Commission		28 MoReg 1032		
4 CSR 240-120.085	Public Service Commission		28 MoReg 1032		
4 CSR 240-120.140	Public Service Commission	28 MoReg 287	28 MoReg 547	28 MoReg 1135	
4 CSR 240-121.065	Public Service Commission		28 MoReg 1035		
4 CSR 240-123.030	Public Service Commission	28 MoReg 288	28 MoReg 549	28 MoReg 1136	
4 CSR 240-123.095	Public Service Commission		28 MoReg 1037		
4 CSR 263-1.010	State Committee for Social Workers		27 MoReg 2169	28 MoReg 900	
4 CSR 263-1.015	State Committee for Social Workers		27 MoReg 2170	28 MoReg 901	
4 CSR 263-1.025	State Committee for Social Workers		27 MoReg 2170	28 MoReg 901	
4 CSR 263-1.035	State Committee for Social Workers		27 MoReg 2170	28 MoReg 901	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 263-2.020	State Committee for Social Workers		27 MoReg 2171	28 MoReg 902	
4 CSR 263-2.022	State Committee for Social Workers		27 MoReg 2171	28 MoReg 902	
4 CSR 263-2.030	State Committee for Social Workers		27 MoReg 2171	28 MoReg 902	
4 CSR 263-2.031	State Committee for Social Workers		27 MoReg 2172	28 MoReg 903	
4 CSR 263-2.032	State Committee for Social Workers		27 MoReg 2173	28 MoReg 903	
4 CSR 263-2.045	State Committee for Social Workers		27 MoReg 2174	28 MoReg 904	
4 CSR 263-2.047	State Committee for Social Workers		27 MoReg 2174	28 MoReg 904	
4 CSR 263-2.050	State Committee for Social Workers		27 MoReg 2178	28 MoReg 904	
4 CSR 263-2.052	State Committee for Social Workers		27 MoReg 2178	28 MoReg 905	
4 CSR 263-2.060	State Committee for Social Workers		27 MoReg 2182	28 MoReg 905	
4 CSR 263-2.062	State Committee for Social Workers		27 MoReg 2182	28 MoReg 905	
4 CSR 263-2.070	State Committee for Social Workers		27 MoReg 2186	28 MoReg 906	
4 CSR 263-2.072	State Committee for Social Workers		27 MoReg 2186	28 MoReg 906	
4 CSR 263-2.075	State Committee for Social Workers		27 MoReg 2186	28 MoReg 906	
4 CSR 267-4.020	Office of Tattooing, Body Piercing and Branding	28 MoReg 947			
4 CSR 270-1.021	Missouri Veterinary Medical Board		28 MoReg 859		
4 CSR 270-1.031	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-2.051	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.031	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.042	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.060	Missouri Veterinary Medical Board		28 MoReg 862		
4 CSR 270-7.010	Missouri Veterinary Medical Board		28 MoReg 864		

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-4.010	Division of Administrative and Financial Services	28 MoReg 322R	This IssueR
5 CSR 30-261.010	Division of Administrative and Financial Services	This Issue	
5 CSR 50-310.010	Division of School Improvement	28 MoReg 1039R	
5 CSR 50-340.110	Division of School Improvement	28 MoReg 1039	
5 CSR 50-340.150	Division of School Improvement	27 MoReg 2193	28 MoReg 909
5 CSR 50-340.200	Division of School Improvement	28 MoReg 1040	
5 CSR 50-350.015	Division of School Improvement	28 MoReg 1042R	
5 CSR 50-350.040	Division of School Improvement	28 MoReg 640	
5 CSR 50-355.100	Division of School Improvement	28 MoReg 323	This Issue
5 CSR 50-360.010	Division of School Improvement	28 MoReg 1042R	
5 CSR 50-370.010	Division of School Improvement	28 MoReg 1042R	
5 CSR 60-120.020	Vocational and Adult Education	This Issue	
5 CSR 60-900.050	Vocational and Adult Education	28 MoReg 1093	
5 CSR 70-742.160	Special Education	28 MoReg 1042R	
5 CSR 80-850.045	Teacher Quality and Urban Education	27 MoReg 2198	28 MoReg 910
5 CSR 90-4.410	Vocational Rehabilitation	28 MoReg 864	
5 CSR 90-4.420	Vocational Rehabilitation	28 MoReg 864	
5 CSR 90-5.410	Vocational Rehabilitation	28 MoReg 864	
5 CSR 90-5.420	Vocational Rehabilitation	28 MoReg 867	
5 CSR 90-5.440	Vocational Rehabilitation	28 MoReg 869	

DEPARTMENT OF HIGHER EDUCATION

6 CSR 10-6.010	Commissioner of Higher Education	28 MoReg 956	
----------------	----------------------------------	--------------	--

DEPARTMENT OF TRANSPORTATION

7 CSR 10-3.040	Missouri Highways and Transportation Commission This IssueR	This IssueR	
7 CSR 10-6.010	Missouri Highways and Transportation Commission	28 MoReg 958	
7 CSR 10-6.015	Missouri Highways and Transportation Commission	28 MoReg 958	
7 CSR 10-6.020	Missouri Highways and Transportation Commission	28 MoReg 960	
7 CSR 10-6.030	Missouri Highways and Transportation Commission	28 MoReg 960	
7 CSR 10-6.040	Missouri Highways and Transportation Commission	28 MoReg 961	
7 CSR 10-6.050	Missouri Highways and Transportation Commission	28 MoReg 963	
7 CSR 10-6.060	Missouri Highways and Transportation Commission	28 MoReg 963	
7 CSR 10-6.070	Missouri Highways and Transportation Commission	28 MoReg 964	
7 CSR 10-6.080	Missouri Highways and Transportation Commission	28 MoReg 966	
7 CSR 10-6.085	Missouri Highways and Transportation Commission	28 MoReg 967	
7 CSR 10-6.090	Missouri Highways and Transportation Commission	28 MoReg 968	
7 CSR 10-6.100	Missouri Highways and Transportation Commission	28 MoReg 968	
7 CSR 10-10.010	Missouri Highways and Transportation Commission	28 MoReg 21	28 MoReg 984
7 CSR 10-10.030	Missouri Highways and Transportation Commission	28 MoReg 23	28 MoReg 984
7 CSR 10-10.040	Missouri Highways and Transportation Commission	28 MoReg 23	28 MoReg 985
7 CSR 10-10.050	Missouri Highways and Transportation Commission	28 MoReg 24	28 MoReg 985
7 CSR 10-10.060	Missouri Highways and Transportation Commission	28 MoReg 24	28 MoReg 985
7 CSR 10-10.070	Missouri Highways and Transportation Commission	28 MoReg 25	28 MoReg 985
7 CSR 10-10.080	Missouri Highways and Transportation Commission	28 MoReg 26	28 MoReg 985
7 CSR 10-10.090	Missouri Highways and Transportation Commission	28 MoReg 26	28 MoReg 985
7 CSR 10-25.010	Missouri Highways and Transportation Commission This Issue	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.010	Division of Employment Security		28 MoReg 551	This Issue	
8 CSR 10-3.130	Division of Employment Security	28 MoReg 948	28 MoReg 969		
8 CSR 20-3.030	Labor and Industrial Relations Commission		28 MoReg 325	This Issue	
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.200	Director, Department of Mental Health		28 MoReg 1094		
9 CSR 10-5.220	Director, Department of Mental Health	28 MoReg 847	28 MoReg 873		
9 CSR 10-7.090	Director, Department of Mental Health	28 MoReg 848	28 MoReg 873		
9 CSR 10-7.130	Director, Department of Mental Health		28 MoReg 645		
9 CSR 30-3.032	Certification Standards	28 MoReg 848	28 MoReg 874		
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	28 MoReg 848	28 MoReg 874		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.070	Air Conservation Commission		28 MoReg 551		
10 CSR 10-2.340	Air Conservation Commission		28 MoReg 325		
10 CSR 10-2.390	Air Conservation Commission		28 MoReg 552		
10 CSR 10-3.090	Air Conservation Commission		28 MoReg 553		
10 CSR 10-4.070	Air Conservation Commission		28 MoReg 553		
10 CSR 10-5.160	Air Conservation Commission		28 MoReg 554		
10 CSR 10-5.480	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.020	Air Conservation Commission		28 MoReg 719		
10 CSR 10-6.060	Air Conservation Commission		28 MoReg 724		
10 CSR 10-6.061	Air Conservation Commission		28 MoReg 728		
10 CSR 10-6.062	Air Conservation Commission		28 MoReg 731		
10 CSR 10-6.065	Air Conservation Commission		28 MoReg 734		
10 CSR 10-6.070	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.075	Air Conservation Commission		28 MoReg 557		
10 CSR 10-6.080	Air Conservation Commission		28 MoReg 559		
10 CSR 10-6.100	Air Conservation Commission		27 MoReg 2274	28 MoReg 1136	
10 CSR 10-6.110	Air Conservation Commission		28 MoReg 1095		
10 CSR 10-6.350	Air Conservation Commission		28 MoReg 141		
10 CSR 20-6.010	Air Conservation Commission		28 MoReg 1106		
10 CSR 23-5.050	Division of Geology and Land Survey		28 MoReg 150	28 MoReg 986	
10 CSR 25-12.010	Hazardous Waste Management Commission		28 MoReg 874		
10 CSR 30-2.020	Land Survey		28 MoReg 878		
10 CSR 30-2.030	Land Survey		28 MoReg 879		
10 CSR 30-2.040	Land Survey		28 MoReg 879		
10 CSR 30-2.060	Land Survey		28 MoReg 880		
10 CSR 30-2.070	Land Survey		28 MoReg 880		
10 CSR 30-2.080	Land Survey		28 MoReg 880		
10 CSR 30-2.090	Land Survey		28 MoReg 881		
10 CSR 30-2.100	Land Survey		28 MoReg 881		
10 CSR 60-2.015	Public Drinking Water Program		28 MoReg 735		
10 CSR 60-4.010	Public Drinking Water Program		28 MoReg 969		
10 CSR 60-4.020	Public Drinking Water Program		28 MoReg 736		
10 CSR 60-4.030	Public Drinking Water Program		28 MoReg 737		
10 CSR 60-4.040	Public Drinking Water Program		28 MoReg 739		
10 CSR 60-4.050	Public Drinking Water Program		28 MoReg 739		
10 CSR 60-4.055	Public Drinking Water Program		28 MoReg 744		
10 CSR 60-4.070	Public Drinking Water Program		28 MoReg 746		
10 CSR 60-4.090	Public Drinking Water Program		28 MoReg 747		
10 CSR 60-4.100	Public Drinking Water Program		28 MoReg 752		
10 CSR 60-5.010	Public Drinking Water Program		28 MoReg 973		
10 CSR 60-6.050	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-7.010	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-8.010	Public Drinking Water Program		28 MoReg 757R 28 MoReg 757		
10 CSR 60-8.030	Public Drinking Water Program		28 MoReg 764		
10 CSR 60-9.010	Public Drinking Water Program		28 MoReg 776		
10 CSR 70-8.010	Soil and Water Districts Commission		27 MoReg 2276	28 MoReg 986	
10 CSR 70-8.020	Soil and Water Districts Commission		27 MoReg 2277	28 MoReg 986	
10 CSR 70-8.030	Soil and Water Districts Commission		27 MoReg 2278	28 MoReg 986	
10 CSR 70-8.040	Soil and Water Districts Commission		27 MoReg 2279	28 MoReg 987	
10 CSR 70-8.050	Soil and Water Districts Commission		27 MoReg 2279	28 MoReg 987	
10 CSR 70-8.060	Soil and Water Districts Commission		27 MoReg 2280	28 MoReg 987	
10 CSR 70-8.070	Soil and Water Districts Commission		27 MoReg 2281	28 MoReg 987	
10 CSR 70-8.080	Soil and Water Districts Commission		27 MoReg 2282	28 MoReg 987	
10 CSR 70-8.090	Soil and Water Districts Commission		27 MoReg 2282	28 MoReg 988	
10 CSR 70-8.100	Soil and Water Districts Commission		27 MoReg 2283	28 MoReg 988	
10 CSR 70-8.110	Soil and Water Districts Commission		27 MoReg 2283	28 MoReg 988	
10 CSR 70-8.120	Soil and Water Districts Commission		27 MoReg 2284	28 MoReg 988	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 40-2.010	Division of Fire Safety		28 MoReg 645R	This IssueR	
11 CSR 40-2.020	Division of Fire Safety		28 MoReg 645R	This IssueR	
11 CSR 40-2.030	Division of Fire Safety		28 MoReg 645R	This IssueR	
11 CSR 40-2.040	Division of Fire Safety		28 MoReg 646R	This IssueR	
11 CSR 40-2.050	Division of Fire Safety		28 MoReg 646R	This IssueR	
11 CSR 40-2.060	Division of Fire Safety		28 MoReg 646R	This IssueR	
11 CSR 40-5.020	Division of Fire Safety		28 MoReg 27	28 MoReg 910	
11 CSR 40-5.050	Division of Fire Safety		28 MoReg 27	28 MoReg 910	
11 CSR 40-5.065	Division of Fire Safety		28 MoReg 27	28 MoReg 910	
11 CSR 40-5.070	Division of Fire Safety		28 MoReg 32	28 MoReg 911	
11 CSR 40-5.080	Division of Fire Safety		28 MoReg 33	28 MoReg 911	
11 CSR 40-5.110	Division of Fire Safety		28 MoReg 646	This Issue	
11 CSR 40-5.120	Division of Fire Safety		28 MoReg 33	28 MoReg 911	
11 CSR 40-6.010	Division of Fire Safety		28 MoReg 973		
11 CSR 40-6.020	Division of Fire Safety		28 MoReg 974		
11 CSR 40-6.031	Division of Fire Safety		28 MoReg 974		
11 CSR 40-6.040	Division of Fire Safety		28 MoReg 977		
11 CSR 40-6.045	Division of Fire Safety		28 MoReg 977		
11 CSR 40-6.050	Division of Fire Safety		28 MoReg 977		
11 CSR 40-6.055	Division of Fire Safety		28 MoReg 978		
11 CSR 40-6.060	Division of Fire Safety		28 MoReg 980		
11 CSR 40-6.075	Division of Fire Safety		28 MoReg 980		
11 CSR 40-6.080	Division of Fire Safety		28 MoReg 980		
11 CSR 40-6.085	Division of Fire Safety		28 MoReg 981		
11 CSR 45-3.010	Missouri Gaming Commission		28 MoReg 403		
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-5.200	Missouri Gaming Commission		28 MoReg 404		
11 CSR 45-9.030	Missouri Gaming Commission		28 MoReg 1106		
11 CSR 45-10.030	Missouri Gaming Commission		28 MoReg 649		
11 CSR 45-30.540	Missouri Gaming Commission		28 MoReg 1110		
11 CSR 45-30.550	Missouri Gaming Commission		28 MoReg 1110		
11 CSR 50-2.430	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 649	This Issue	
11 CSR 50-2.440	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 650	This Issue	
11 CSR 75-13.010	Peace Officer Standards and Training Program		28 MoReg 1043		
11 CSR 75-14.030	Peace Officer Standards and Training Program		28 MoReg 1043		
DEPARTMENT OF REVENUE					
12 CSR 10-2.045	Director of Revenue		27 MoReg 2203	28 MoReg 991	
12 CSR 10-23.190	Director of Revenue (<i>Changed to 12 CSR 10-26.180</i>)		28 MoReg 1110		
12 CSR 10-23.446	Director of Revenue		28 MoReg 981		
12 CSR 10-23.456	Director of Revenue		This Issue		
12 CSR 10-24.140	Director of Revenue		28 MoReg 404		
12 CSR 10-26.100	Director of Revenue		28 MoReg 150R	28 MoReg 912R	
12 CSR 10-26.180	Director of Revenue (<i>Changed from 12 CSR 10-23.190</i>)		28 MoReg 1110		
12 CSR 10-110.900	Director of Revenue		28 MoReg 881		
12 CSR 10-111.010	Director of Revenue		28 MoReg 886		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299	28 MoReg 988	
13 CSR 40-31.025	Division of Family Services		28 MoReg 34		
13 CSR 70-1.020	Division of Medical Services		28 MoReg 405		
13 CSR 70-3.065	Division of Medical Services	28 MoReg 288	28 MoReg 327		28 MoReg 592
13 CSR 70-4.040	Division of Medical Services		28 MoReg 1044		
13 CSR 70-10.015	Division of Medical Services	28 MoReg 103	28 MoReg 150	28 MoReg 988	
13 CSR 70-15.010	Division of Medical Services		28 MoReg 560	This Issue	
13 CSR 70-15.110	Division of Medical Services	28 MoReg 1023	28 MoReg 1044		
13 CSR 70-20.320	Division of Medical Services		28 MoReg 409	This Issue	
13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174 28 MoReg 5T	27 MoReg 1324 28 MoReg 409R		
13 CSR 70-40.010	Division of Medical Services	28 MoReg 397T	28 MoReg 650		
13 CSR 70-98.010	Division of Medical Services		28 MoReg 1111		
13 CSR 73-1.010	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-1.010</i>)		28 MoReg 412	This Issue	
13 CSR 73-2.015	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.015</i>)		28 MoReg 412	This Issue	
13 CSR 73-2.020	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.020</i>)		28 MoReg 412	This Issue	
13 CSR 73-2.025	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.025</i>)		28 MoReg 417	This Issue	
13 CSR 73-2.031	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.031</i>)		28 MoReg 417	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 73-2.050	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.050</i>)		28 MoReg 418	This Issue	
13 CSR 73-2.051	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.051</i>)		28 MoReg 419	This Issue	
13 CSR 73-2.055	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.055</i>)		28 MoReg 419	This Issue	
13 CSR 73-2.060	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.060</i>)		28 MoReg 420	This Issue	
13 CSR 73-2.080	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.080</i>)		28 MoReg 420	This Issue	
13 CSR 73-2.085	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.085</i>)		28 MoReg 421	This Issue	
13 CSR 73-2.090	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.090</i>)		28 MoReg 421	This Issue	
13 CSR 73-2.095	Missouri Board of Nursing Home Administrators (<i>Changed to 19 CSR 73-2.095</i>)		28 MoReg 421	This Issue	
ELECTED OFFICIALS					
15 CSR 30-45.030	Secretary of State		28 MoReg 422	28 MoReg 1137	
15 CSR 30-51.020	Secretary of State		28 MoReg 561		
15 CSR 30-52.310	Secretary of State		28 MoReg 331		
15 CSR 30-54.010	Secretary of State		28 MoReg 561		
15 CSR 30-54.015	Secretary of State		28 MoReg 562		
15 CSR 30-54.060	Secretary of State		28 MoReg 562		
15 CSR 30-54.070	Secretary of State		28 MoReg 563R		
			28 MoReg 563		
15 CSR 30-54.210	Secretary of State		28 MoReg 563R		
			28 MoReg 564		
15 CSR 30-54.220	Secretary of State		28 MoReg 564R		
15 CSR 30-59.020	Secretary of State		28 MoReg 565		
15 CSR 30-59.050	Secretary of State		28 MoReg 565R		
15 CSR 30-59.060	Secretary of State		28 MoReg 565R		
15 CSR 30-59.170	Secretary of State		28 MoReg 565		
15 CSR 30-80.010	Secretary of State	28 MoReg 949	28 MoReg 982		
15 CSR 60-11.010	Attorney General		28 MoReg 331		
15 CSR 60-11.020	Attorney General		28 MoReg 331		
15 CSR 60-11.030	Attorney General		28 MoReg 332		
15 CSR 60-11.040	Attorney General		28 MoReg 332		
15 CSR 60-11.050	Attorney General		28 MoReg 333		
15 CSR 60-11.060	Attorney General		28 MoReg 333		
15 CSR 60-11.070	Attorney General		28 MoReg 333		
15 CSR 60-11.080	Attorney General		28 MoReg 334		
15 CSR 60-11.090	Attorney General		28 MoReg 334		
15 CSR 60-11.100	Attorney General		28 MoReg 335		
15 CSR 60-11.110	Attorney General		28 MoReg 335		
15 CSR 60-11.120	Attorney General		28 MoReg 335		
15 CSR 60-11.130	Attorney General		28 MoReg 335		
15 CSR 60-11.140	Attorney General		28 MoReg 336		
15 CSR 60-11.150	Attorney General		28 MoReg 336		
15 CSR 60-11.160	Attorney General		28 MoReg 337		
RETIREMENT SYSTEMS					
16 CSR 10-1.010	The Public School Retirement System of Missouri		28 MoReg 566	This Issue	
16 CSR 50-2.020	The County Employees' Retirement Fund		28 MoReg 155	28 MoReg 912	
16 CSR 50-2.035	The County Employees' Retirement Fund		28 MoReg 1047		
16 CSR 50-2.040	The County Employees' Retirement Fund		28 MoReg 155	28 MoReg 913	
16 CSR 50-2.080	The County Employees' Retirement Fund		28 MoReg 156	28 MoReg 913	
16 CSR 50-2.090	The County Employees' Retirement Fund		28 MoReg 156	28 MoReg 913	
			28 MoReg 1047		
16 CSR 50-3.010	The County Employees' Retirement Fund		28 MoReg 157	28 MoReg 913	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 15-4.050	Division of Senior Services		28 MoReg 890		
19 CSR 20-8.030	Office of the Director		28 MoReg 422	28 MoReg 1137	
19 CSR 20-20.020	Office of the Director	28 MoReg 7	28 MoReg 36	28 MoReg 913	
19 CSR 20-20.080	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 776		
19 CSR 20-20.091	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 776		
19 CSR 20-20.092	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 777		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-1.002	Division of Health Standards and Licensure		28 MoReg 429	28 MoReg 1138	
19 CSR 30-1.011	Division of Health Standards and Licensure		28 MoReg 434	28 MoReg 1138	
19 CSR 30-1.015	Division of Health Standards and Licensure		28 MoReg 434	28 MoReg 1138	
19 CSR 30-1.017	Division of Health Standards and Licensure		28 MoReg 435	28 MoReg 1138	
19 CSR 30-1.019	Division of Health Standards and Licensure		28 MoReg 436	28 MoReg 1138	
19 CSR 30-1.023	Division of Health Standards and Licensure		28 MoReg 437	28 MoReg 1138	
19 CSR 30-1.034	Division of Health Standards and Licensure		28 MoReg 437	28 MoReg 1139	
19 CSR 30-1.040	Division of Health Standards and Licensure		28 MoReg 438R	28 MoReg 1139	
19 CSR 30-40.309	Division of Health Standards and Licensure	28 MoReg 849	28 MoReg 896		
19 CSR 40-5.010	Division of Maternal, Child and Family Health (<i>Changed to 19 CSR 45-5.010</i>)				28 MoReg 914
19 CSR 40-5.020	Division of Maternal, Child and Family Health (<i>Changed to 19 CSR 45-5.020</i>)				28 MoReg 914
19 CSR 40-5.050	Division of Maternal, Child and Family Health (<i>Changed to 19 CSR 45-5.050</i>)				28 MoReg 914
19 CSR 40-5.060	Division of Maternal, Child and Family Health (<i>Changed to 19 CSR 45-5.060</i>)				28 MoReg 914
19 CSR 40-9.020	Division of Maternal, Child and Family Health		28 MoReg 438	28 MoReg 1139	
19 CSR 45-5.010	Division of Nutritional Health and Services (<i>Changed from 19 CSR 40-5.010</i>)				28 MoReg 914
19 CSR 45-5.020	Division of Nutritional Health and Services (<i>Changed from 19 CSR 45-5.020</i>)				28 MoReg 914
19 CSR 45-5.050	Division of Nutritional Health and Services (<i>Changed from 19 CSR 45-5.050</i>)				28 MoReg 914
19 CSR 45-5.060	Division of Nutritional Health and Services (<i>Changed from 19 CSR 45-5.060</i>)				28 MoReg 914
19 CSR 60-50.300	Missouri Health Facilities Review Committee	28 MoReg 106R 28 MoReg 106	28 MoReg 157R 28 MoReg 157 This Issue	28 MoReg 1139RW 28 MoReg 1139W	
19 CSR 60-50.400	Missouri Health Facilities Review Committee	28 MoReg 108R 28 MoReg 109	28 MoReg 159R 28 MoReg 159 This Issue	28 MoReg 1140RW 28 MoReg 1140W	
19 CSR 60-50.410	Missouri Health Facilities Review Committee	28 MoReg 110R 28 MoReg 110	28 MoReg 160R 28 MoReg 160 This Issue	28 MoReg 1140RW 28 MoReg 1140W	
19 CSR 60-50.420	Missouri Health Facilities Review Committee	28 MoReg 111R 28 MoReg 112	28 MoReg 161R 28 MoReg 161 This Issue	28 MoReg 1140RW 28 MoReg 1140W	
19 CSR 60-50.430	Missouri Health Facilities Review Committee	28 MoReg 113R 28 MoReg 113	28 MoReg 162R 28 MoReg 163 This Issue	28 MoReg 1141RW 28 MoReg 1141W	
19 CSR 60-50.450	Missouri Health Facilities Review Committee	28 MoReg 115R 28 MoReg 116	28 MoReg 164R 28 MoReg 164 This Issue	28 MoReg 1141RW 28 MoReg 1141W	
19 CSR 60-50.700	Missouri Health Facilities Review Committee	28 MoReg 117R 28 MoReg 117	28 MoReg 166R 28 MoReg 166 This Issue	28 MoReg 1142RW 28 MoReg 1142W	
19 CSR 73-1.010	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-1.010</i>)		28 MoReg 412	This Issue	
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.015</i>)		28 MoReg 412	This Issue	
19 CSR 73-2.020	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.020</i>)		28 MoReg 412	This Issue	
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.025</i>)		28 MoReg 417	This Issue	
19 CSR 73-2.031	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.031</i>)		28 MoReg 417	This Issue	
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.050</i>)		28 MoReg 418	This Issue	
19 CSR 73-2.051	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.051</i>)		28 MoReg 419	This Issue	
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.055</i>)		28 MoReg 419	This Issue	
19 CSR 73-2.060	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.060</i>)		28 MoReg 420	This Issue	
19 CSR 73-2.080	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.080</i>)		28 MoReg 420	This Issue	
19 CSR 73-2.085	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.085</i>)		28 MoReg 421	This Issue	
19 CSR 73-2.090	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.090</i>)		28 MoReg 421	This Issue	
19 CSR 73-2.095	Missouri Board of Nursing Home Administrators (<i>Changed from 13 CSR 73-2.095</i>)		28 MoReg 421	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice				26 MoReg 599 27 MoReg 415 28 MoReg 489
20 CSR	Sovereign Immunity Limits				26 MoReg 75 27 MoReg 41 27 MoReg 2319
20 CSR 100-1.060	Division of Consumer Affairs		27 MoReg 2300		
20 CSR 300-2.200	Market Conduct Examinations	28 MoReg 397	28 MoReg 439	28 MoReg 1142	
20 CSR 400-3.650	Life, Annuities and Health		27 MoReg 1362		
20 CSR 400-4.100	Life, Annuities and Health		28 MoReg 777R 28 MoReg 778		
20 CSR 500-1.210	Property and Casualty		27 MoReg 2219	28 MoReg 1050	
20 CSR 500-6.960	Property and Casualty	27 MoReg 848R	27 MoReg 905R 27 MoReg 2220R	28 MoReg 1050R	
20 CSR 500-10.100	Property and Casualty		27 MoReg 2220	28 MoReg 1051	
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.010	Health Care Plan	28 MoReg 118	28 MoReg 226	28 MoReg 989	
22 CSR 10-2.020	Health Care Plan	28 MoReg 120	28 MoReg 229	28 MoReg 989	
22 CSR 10-2.040	Health Care Plan	28 MoReg 121R	28 MoReg 230R	28 MoReg 989R	
22 CSR 10-2.045	Health Care Plan	28 MoReg 122	28 MoReg 230	28 MoReg 989	
22 CSR 10-2.050	Health Care Plan	28 MoReg 123R	28 MoReg 231R	28 MoReg 989R	
22 CSR 10-2.055	Health Care Plan	28 MoReg 123	28 MoReg 232	28 MoReg 990	
22 CSR 10-2.060	Health Care Plan	28 MoReg 125R	28 MoReg 233R	28 MoReg 990R	
22 CSR 10-2.063	Health Care Plan	28 MoReg 125R	28 MoReg 233R	28 MoReg 990R	
22 CSR 10-2.064	Health Care Plan	28 MoReg 125R	28 MoReg 234R	28 MoReg 990R	
22 CSR 10-2.067	Health Care Plan	28 MoReg 125R	28 MoReg 234R	28 MoReg 990R	
22 CSR 10-2.075	Health Care Plan	28 MoReg 126	28 MoReg 234	28 MoReg 990	
22 CSR 10-2.080	Health Care Plan	28 MoReg 126	28 MoReg 235	28 MoReg 991	

Emergency Rules in Effect as of July 1, 2003

Publication

Expires

Office of Administration

Personnel Advisory Board and Division of Personnel

1 CSR 20-2.015 Broad Classification Bands for Managers 28 MoReg 103 July 10, 2003

Department of Economic Development

Public Service Commission

4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee 28 MoReg 287 August 1, 2003

4 CSR 240-123.030 Seals 28 MoReg 288 August 1, 2003

Office of Tattooing, Body Piercing and Branding

4 CSR 267-4.020 Temporary Practitioner License 28 MoReg 947 October 24, 2003

Department of Transportation

Missouri Highways and Transportation Commission

7 CSR 10-3.040 Division of Relocation Costs This Issue February 26, 2004

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers This Issue February 26, 2004

Department of Labor and Industrial Relations

Division of Employment Security

8 CSR 10-3.130 Direct Deposit of Unemployment Benefits 28 MoReg 948 October 27, 2003

Department of Mental Health

Director, Department of Mental Health

9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability
Act of 1996 (HIPAA) 28 MoReg 847 October 14, 2003

9 CSR 10-7.090 Governing Authority and Program Administration 28 MoReg 848 October 14, 2003

Certification Standards

9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs 28 MoReg 848 October 14, 2003

Division of Mental Retardation and Developmental Disabilities

9 CSR 45-5.060 Procedures to Obtain Certification 28 MoReg 848 October 14, 2003

Department of Public Safety

Missouri State Highway Patrol

11 CSR 50-2.430 Verification of Homemade Trailers 28 MoReg 629 September 22, 2003

11 CSR 50-2.440 Vehicle Identification Number and Odometer Reading Verification 28 MoReg 629 September 22, 2003

Department of Social Services

Division of Medical Services

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services 28 MoReg 103 July 15, 2003

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) 28 MoReg 1023 February 19, 2004

13 CSR 70-65.010 Rehabilitation Center Program 28 MoReg 291 August 27, 2003

13 CSR 70-70.010 Therapy Program 28 MoReg 293 August 27, 2003

Elected Officials

Secretary of State

15 CSR 30-80.010 Redaction of the Social Security Numbers and Date of Birth from
Business Entity Filings 28 MoReg 949 November 6, 2003

Department of Health and Senior Services

Division of Health Standards and Licensure

19 CSR 30-40.309 Application and Licensure Requirements Standards for the Licensure
and Relicensure of Ground Ambulance Services 28 MoReg 849 October 11, 2003

Department of Insurance

Market Conduct Examination

20 CSR 300-2.200 Records Required for Purposes of Market Conduct Examinations 28 MoReg 397 August 22, 2003

**Executive
Orders**

	Subject Matter	Filed Date	Publication
03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-09	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares Disaster Areas due to May 4 Tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to Assist in Areas Harmed by the May 4 Tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily Suspends Enforcement of Environmental Rules due to the May 4th [et.al] Tornadoes	May 7, 2003	28 MoReg 954

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, STATE BOARD OF

provisional license to practice; 4 CSR 10-2.022; 12/16/02, 5/15/03

ADJUTANT GENERAL

National Guard armory rentals; 11 CSR 10-6.010; 12/16/02, 4/15/03

ADMINISTRATIVE HEARING COMMISSION

subject matter; 1 CSR 15-3.200; 7/1/02, 10/15/02, 12/16/02, 4/15/03

AIR QUALITY, POLLUTION

conformity to state implementation plans; 10 CSR 10-2.390; 10 CSR 10-5.480; 3/17/03

construction permits; 10 CSR 10-6.060; 9/16/02, 3/3/03, 4/15/03
by rule; 10 CSR 10-6.062; 4/15/03

exemptions; 10 CSR 10-6.061; 4/15/03

definitions; 10 CSR 10-6.020; 4/15/03

emissions

alternate limits; 10 CSR 10-6.100; 12/16/02, 6/16/03

banking, trading; 10 CSR 10-6.410; 9/16/02, 3/3/03

hazardous air pollutants; 10 CSR 10-6.080; 3/17/03

lead smelter -refinery installations; 10 CSR 10-6.120; 9/16/02, 3/3/03

limitations, oxides of nitrogen; 10 CSR 10-6.350; 1/16/03

lithographic installations; 10 CSR 10-2.340; 2/18/03
restrictions

odors; 10 CSR 10-2.070, 10 CSR 10-3.090,

10 CSR 10-4.070, 10 CSR 10-5.160; 3/17/03

submission of data; 10 CSR 10-6.110; 6/16/03

maximum achievable control technology; 10 CSR 10-6.075; 3/17/03

new source performance operations; 10 CSR 10-6.070; 3/17/03

odors, control of; 10 CSR 10-5.170; 9/3/02, 3/3/03

operating permits; 10 CSR 10-6.065; 9/3/02, 3/3/03, 4/15/03

AMBULANCES

application and licensure; 19 CSR 30-40.309; 5/1/03

AMUSEMENT RIDES

accident, report; 11 CSR 40-6.045; 5/15/03

cessation order; 11 CSR 40-6.050; 5/15/03

cost, investigation; 11 CSR 40-6.055; 5/15/03

director; 11 CSR 40-6.060; 5/15/03

inspection; 11 CSR 40-6.010; 5/15/03

insurance, liability; 11 CSR 40-6.040; 5/15/03

operator; 11 CSR 40-6.080; 5/15/03

owner; 11 CSR 40-6.075; 5/15/03

passenger/rider responsibility; 11 CSR 40-6.085; 5/15/03

purpose; 11 CSR 40-6.031; 5/15/03

terms, defined; 11 CSR 40-6.020; 5/15/03

ANIMAL HEALTH

admission; 2 CSR 30-2.010; 4/15/03, 6/16/03

animal care facilities; 2 CSR 30-9.020; 6/16/03

standards; 2 CSR 30-9.030; 6/16/03

duties, facilities of the market/sale veterinarian; 2 CSR 30-6.020; 3/3/03, 6/16/03

elk, captive, entering Missouri; 2 CSR 30-2.012; 9/3/02

exhibition; 2 CSR 30-2.040; 3/3/03, 4/15/03, 6/16/03

movement of livestock; 2 CSR 30-2.020; 3/3/03, 4/15/03, 6/16/03

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

application, certificate of authority; 4 CSR 30-10.010; 12/2/02, 3/17/03

architects

evaluation; 4 CSR 30-4.060; 1/16/03, 5/1/03

complaint handling, disposition; 4 CSR 30-12.010; 12/2/02, 3/17/03

engineers

licensure; 4 CSR 30-11.030; 1/16/03, 5/1/03

filing deadline; 4 CSR 30-4.010, 4 CSR 30-4.020; 12/2/02, 3/17/03

landscape architect

CLARB examinations; 4 CSR 30-5.140; 12/2/02, 3/17/03

evaluation, comity applications; 4 CSR 30-4.090; 12/2/02, 3/17/03

licensee's seal; 4 CSR 30-3.050; 12/2/02, 3/17/03

standards for admission to exam; 4 CSR 30-5.150; 12/2/02, 3/17/03

records, public; 4 CSR 30-15.010; 12/2/02, 3/17/03

renewal period; 4 CSR 30-11.010; 12/2/02, 3/17/03

response to routine matters; 4 CSR 30-9.010; 12/2/02, 3/17/03

seal, official; 4 CSR 30-3.010; 12/2/02, 3/17/03

supervision, immediate personal; 4 CSR 30-13.010; 12/2/02, 5/1/03

surveys, standards for property boundary

accuracy standards for property boundaries; 4 CSR 30-16.040; 5/1/03

condominium surveys; 4 CSR 30-16.100; 5/1/03

definitions; 4 CSR 30-16.020; 5/1/03

land surveying requirements; 4 CSR 30-16.030; 5/1/03

monumentation, approved; 4 CSR 30-16.060; 5/1/03

original surveys; 4 CSR 30-16.080; 5/1/03

resurveys; 4 CSR 30-16.070; 5/1/03

subdivision surveys; 4 CSR 30-16.090; 5/1/03

ASSISTIVE DEVICES

accommodations for the disabled; 15 CSR 60-11.100; 2/18/03

appointment of arbitration firm; 15 CSR 60-11.010; 2/18/03

assignment of arbitrator; 15 CSR 60-11.050; 2/18/03

cost of arbitration; 15 CSR 60-11.040; 2/18/03

decision, arbitrator's; 15 CSR 60-11.140; 2/18/03

defaults; 15 CSR 60-11.120; 2/18/03

filing for arbitration; 15 CSR 60-11.030; 2/18/03

hearing on documents only; 15 CSR 60-11.110; 2/18/03

hearing procedure; 15 CSR 60-11.090; 2/18/03

notice to consumers; 15 CSR 60-11.020; 2/18/03

record keeping; 15 CSR 60-11.150; 2/18/03

representation by counsel or third party; 15 CSR 60-11.080; 2/18/03

request for additional information; 15 CSR 60-11.070; 2/18/03

sample form; 15 CSR 60-11.160; 2/18/03

scheduling of arbitration hearings; 15 CSR 60-11.060; 2/18/03

withdrawal or settlement prior to decision; 15 CSR 60-11.130; 2/18/03

BINGO

duty to report, licensee; 11 CSR 45-30.550; 6/16/03

paraphernalia, approval; 11 CSR 45-30.540; 6/16/03

BOILER AND PRESSURE VESSEL SAFETY

administration; 11 CSR 40-2.020; 11/1/02, 4/1/03, 7/1/03

certificates, inspections, fees; 11 CSR 40-2.022; 11/1/02, 4/1/03

code/standards adopted by board; 11 CSR 40-2.015; 11/1/02, 4/1/03

definitions; 11 CSR 40-2.010; 11/1/02, 4/1/03, 7/1/03
 existing; 11 CSR 40-2.040; 11/1/02, 4/1/03, 7/1/03
 installation; 11 CSR 40-2.030; 11/1/02, 4/1/03, 7/1/03
 pressure vessels; 11 CSR 40-2.050; 11/1/02, 4/1/03, 7/1/03
 heating boilers, existing; 11 CSR 40-2.040; 11/1/02, 4/1/03, 7/1/03
 inspector qualifications/exams/responsibilities; 11 CSR 40-2.021; 11/1/02, 4/1/03
 installations, new; 11 CSR 40-2.061; 11/1/02, 4/1/03
 power boilers, installation; 11 CSR 40-2.030; 11/1/02, 4/1/03, 7/1/03
 pressure vessels; 11 CSR 40-2.050; 11/1/02, 4/1/03, 7/1/03
 repairs; alterations; 11 CSR 40-2.065; 11/1/02, 4/1/03
 requirements, general; 11 CSR 40-2.060; 11/1/02, 4/1/03, 7/1/03
 second-hand, reinstalled used boilers, water heaters, pressure vessels; 11 CSR 40-2.062; 11/1/02, 4/1/03
 state special, variances; 11 CSR 40-2.064; 11/1/02, 4/1/03

CERTIFICATE OF NEED PROGRAM

application
 package; 19 CSR 60-50.430; 1/16/03, 6/16/03, 7/1/03
 process; 19 CSR 60-50.420; 1/16/03, 6/16/03, 7/1/03
 criteria and standards
 long-term care; 19 CSR 60-50.450; 1/16/03, 6/16/03, 7/1/03
 post-decision activity; 19 CSR 60-50.700; 1/16/03, 6/16/03, 7/1/03
 definitions; 19 CSR 60-50.300; 1/16/03, 6/16/03, 7/1/03
 letter of intent
 package; 19 CSR 60-50.410; 1/16/03, 6/16/03, 7/1/03
 process; 19 CSR 60-50.400; 1/16/03, 6/16/03, 7/1/03
 review process; 19 CSR 60-50.420; 1/16/03, 6/16/03, 7/1/03

CHILD ABUSE

review process; 13 CSR 40-31.025; 1/2/03

CLEAN WATER COMMISSION

permit, construction and operating; 10 CSR 20-6.010; 6/16/03

CONSERVATION COMMISSION

boats and motors; 3 CSR 10-11.160; 6/16/03
 use of; 3 CSR 10-12.110; 6/16/03
 deer hunting; 3 CSR 10-11.182; 6/16/03
 endangered species; 3 CSR 10-4.111; 6/16/03
 fishing
 daily and possession limits; 3 CSR 10-12.140; 6/16/03
 hours and methods; 3 CSR 10-11.205; 3/3/03, 5/15/03, 6/16/03
 limits; 3 CSR 10-11.210; 3/3/03, 5/15/03
 methods; 3 CSR 10-12.135; 6/16/03
 provisions, general; 3 CSR 10-6.405; 5/1/03
 reciprocal privileges; 3 CSR 10-10.726; 5/1/03
 tag and release fishing; 3 CSR 10-10.732; 5/1/03
 hunting
 methods; 3 CSR 10-7.410; 6/16/03
 preserve
 privileges; 3 CSR 10-9.565; 3/3/03, 5/15/03
 provisions, seasons; 3 CSR 10-11.180; 6/16/03
 migratory game birds; 3 CSR 10-10.745; 6/16/03
 organization; 3 CSR 10-1.010; 1/2/03, 3/17/03
 prohibitions, general; 3 CSR 10-9.110; 3/3/03, 5/15/03, 6/16/03
 turkeys; 3 CSR 10-7.455; 6/16/03
 turkey season; 3 CSR 10-7.455; 4/1/03
 waterfowl hunting; 3 CSR 10-11.186; 3/3/03, 5/15/03, 6/16/03
 wildlife
 Class I; 3 CSR 10-9.230; 2/3/03, 4/15/03

CONTROLLED SUBSTANCES

definitions; 19 CSR 30-1.011; 3/3/03, 6/16/03
 dispensing and distribution; 19 CSR 30-1.040; 3/3/03, 6/16/03

registration
 changes; 19 CSR 30-1.023; 3/3/03, 6/16/03
 fees; 19 CSR 30-1.015; 3/3/03, 6/16/03
 location; 19 CSR 30-1.019; 3/3/03, 6/16/03
 process; 19 CSR 30-1.017; 3/3/03, 6/16/03
 schedules of controlled substances; 19 CSR 30-1.002; 3/3/03, 6/16/03
 security for practitioners; 19 CSR 30-1.034; 3/3/03, 6/16/03

COSMETOLOGY, STATE BOARD OF

fees; 4 CSR 90-13.010; 1/16/03, 5/1/03
 renewal; 4 CSR 90-13.050; 1/16/03, 5/1/03

DISEASES

blood-borne pathogen standard; 19 CSR 20-20.092; 4/15/03
 duties of laboratories; 19 CSR 20-20.080; 4/15/03
 inoculation, smallpox; 19 CSR 20-20.020; 1/2/03, 5/1/03
 testing, contagious or infectious diseases; 19 CSR 20-20.091; 4/15/03

DRIVERS LICENSE BUREAU RULES

assumed or common use name; 12 CSR 10-24.120; 12/16/02, 4/1/03
 commercial license requirements; 12 CSR 10-24.305; 12/16/02, 4/1/03
 delegation of authority; 12 CSR 10-24.395; 12/16/02, 4/1/03
 permit driver sign; 12 CSR 10-24.472; 12/16/02, 4/1/03
 proof of identity; 12 CSR 10-24.448; 1/2/03, 4/15/03
 reissuance of license; 12 CSR 10-24.140; 3/3/03
 retesting requirements; 12 CSR 10-24.190; 8/15/02, 12/16/02, 4/1/03

EGGS

licensing, distribution; 2 CSR 90-36.010; 11/15/02, 4/1/03

ELEMENTARY AND SECONDARY EDUCATION

A+ schools program; 5 CSR 50-350.040; 4/1/03
 academically deficient schools; 5 CSR 50-340.110; 6/2/03
 Early Childhood Development Act; 5 CSR 50-270.010; 12/2/02, 3/17/03
 federal programs; 5 CSR 30-4.010; 2/18/03, 7/1/03
 high school equivalence program; 5 CSR 60-100.020; 11/1/02, 3/17/03
 Improving America's Schools Act; 5 CSR 50-350.015; 6/2/03
 incentives, school excellence program; 5 CSR 50-310.010; 6/2/03
 individuals with disabilities education act; 5 CSR 70-742.141; 3/17/03
 information reported by school districts; 5 CSR 50-340.200; 6/2/03
 Internet filtering; 5 CSR 50-380.020; 12/2/02, 3/17/03
 mentoring program standards; 5 CSR 80-850.045; 12/2/02, 5/1/03
 new schools pilot project; 5 CSR 50-370.010; 6/2/03
 persistently dangerous schools; 5 CSR 50-355.100; 2/18/03, 7/1/03
 priority schools; 5 CSR 50-340.150; 12/2/02, 5/1/03
 professional education programs; 5 CSR 80-805.015; 11/1/02, 3/17/03
 clinical experience requirements; 5 CSR 80-805.040; 11/1/02, 3/17/03
 pupil/teacher ratio; 5 CSR 50-360.010; 6/2/03
 reimbursement, panel members; 5 CSR 70-742.160; 6/2/03
 school buses, operation; 5 CSR 30-261.010; 7/1/03
 training providers, eligible; 5 CSR 60-480.100; 11/1/02, 3/17/03
 veterans education, vocational rehabilitation; 5 CSR 60-900.050; 11/1/02, 3/17/03
 standards for approval of courses; 5 CSR 60-900.050; 6/16/03
 video programming in schools; 5 CSR 30-660.070; 12/2/02, 3/17/03
 vocational education; 5 CSR 60-120.020; 7/1/03
 vocational rehabilitation
 due process hearing; 5 CSR 90-4.420; 5/1/03
 fees; 5 CSR 90-5.410; 5/1/03
 home modification, remodeling; 5 CSR 90-5.450; 9/16/02

informal review; 5 CSR 90-4.410; 5/1/03
maintenance, transportation; 5 CSR 90-5.420; 9/16/02, 5/1/03
mediation; 5 CSR 90-4.430; 9/16/02
state plan; 5 CSR 60-120.010; 9/16/02
training; 5 CSR 90-5.440; 5/1/03

ELEVATORS

accessibility for the disabled; 11 CSR 40-5.070; 1/2/03, 5/1/03
alterations; 11 CSR 40-5.080; 1/2/03, 5/1/03
fees, penalties; 11 CSR 40-5.110; 10/15/02, 4/1/03, 7/1/03
inspectors; 11 CSR 40-5.120; 1/2/03, 5/1/03
new installations; 11 CSR 40-5.050; 1/2/03, 5/1/03
safety codes for existing equipment; 11 CSR 40-5.065; 1/2/03, 5/1/03
scope and application; 11 CSR 40-5.020; 1/2/03, 5/1/03

EXECUTIVE ORDERS

Children's Division; 03-03; 2/18/03
Citizen's Advisory Committee on Corrections; 03-11; 5/15/03
disaster areas due to May 4 tornadoes; 03-12; 5/15/03
Energy Policy Council; 03-10; 4/1/03
Family Support, Division of; 03-02; 2/18/03
Future of Higher Education, Commission on the; 03-07; 4/1/03
Highway Safety, Division of; 03-05; 2/18/03
Lewis and Clark; 03-01; 2/18/03
Minority Business Advocacy Commission; 03-06; 2/18/03
National Guard to assist areas; 03-13; 5/15/03
suspends environmental rules; 03-14; 5/15/03
supervisory authority; 03-09; 4/1/03
Workforce Development, Division of; 03-04; 2/18/03

FINANCE, DIVISION OF

key man insurance; 4 CSR 140-2.055; 2/18/03, 7/1/03
loan companies, small
 licensing; 4 CSR 140-11.010; 2/18/03, 7/1/03
 record keeping; 4 CSR 140-11.020; 2/18/03, 7/1/03
preservation of records; 4 CSR 140-2.140; 2/18/03, 7/1/03
section 500 companies
 licensing; 4 CSR 140-11.030; 2/18/03, 7/1/03
 record keeping; 4 CSR 140-11.040; 2/18/03, 7/1/03

GAMING COMMISSION, MISSOURI

minimum internal control standards; 11 CSR 45-9.030; 6/16/03
misconduct, duty to report and prevent; 11 CSR 45-10.030; 4/1/03
occupational license; 11 CSR 45-4.260; 1/2/03
records; 11 CSR 45-3.010; 3/3/03
slot machines; 11 CSR 45-5.200; 3/3/03

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

application; 4 CSR 145-1.030; 5/1/03
post-baccalaureate experience; 4 CSR 145-2.030; 5/1/03
seal, registered; 4 CSR 145-2.100; 5/1/03

GEOLOGY AND LAND SURVEY

construction standards; 10 CSR 23-5.050; 1/16/03, 5/15/03

HAZARDOUS WASTE MANAGEMENT COMMISSION

fees and taxes; 10 CSR 25-12.010; 5/1/03

HEALING ARTS, BOARD OF REGISTRATION FOR

collaborative practice; 4 CSR 150-5.100; 12/2/02, 5/1/03

HEALTH CARE PLAN, MISSOURI CONSOLIDATED

benefit provision, covered charges; 22 CSR 10-2.055; 1/16/03, 2/3/03, 5/15/03
 PPO plan benefits; 22 CSR 10-2.050; 1/16/03, 2/3/03, 5/15/03
definitions; 22 CSR 10-2.010; 1/16/03, 2/3/03, 5/15/03
HMO and POS limitations; 22 CSR 10-2.067; 1/16/03, 2/3/03, 5/15/03

limitations; 22 CSR 10-2.060; 1/16/03, 2/3/03, 5/15/03
membership agreement, participation period; 22 CSR 10-2.020; 1/16/03, 2/3/03, 5/15/03
miscellaneous provisions; 22 CSR 10-2.080; 1/16/03, 2/3/03, 5/15/03
review and appeals procedures; 22 CSR 10-2.075; 1/16/03, 2/3/03, 5/15/03
summary of medical benefits
 co-pay, PPO plan; 22 CSR 10-2.045; 1/16/03, 2/3/03, 5/15/03
 HMO/POS premium option; 22 CSR 10-2.063; 1/16/03, 2/3/03, 5/15/03
 HMO/POS standard option; 22 CSR 10-2.064; 1/16/03, 2/3/03, 5/15/03
 PPO plan; 22 CSR 10-2.040; 1/16/03, 2/3/03, 5/15/03

HEALTH MAINTENANCE ORGANIZATIONS

monitoring, definitions; 19 CSR 10-5.010; 11/1/02, 3/3/03

HEARING INSTRUMENT SPECIALISTS

license renewal; 4 CSR 165-2.060; 5/1/03
licensure by exam; 4 CSR 165-2.030; 5/1/03
temporary permits; 4 CSR 165-2.010; 5/1/03

HIGHER EDUCATION, DEPARTMENT OF

community junior college districts; 6 CSR 10-6.010; 5/15/03

HIGHWAYS AND TRANSPORTATION COMMISSION

contractor performance rating to determine responsibility
 annual rating of contractors; 7 CSR 10-10.070; 1/2/03, 5/15/03
 definitions; 7 CSR 10-10.010; 1/2/03, 5/15/03
 determination of nonresponsibility; 7 CSR 10-10.080; 1/2/03, 5/15/03
 explanation of standard deviation; 7 CSR 10-10.060; 1/2/03, 5/15/03
 performance questionnaire; 7 CSR 10-10.040; 1/2/03, 5/15/03
 schedule for completion; 7 CSR 10-10.050; 1/2/03, 5/15/03
 rating categories; 7 CSR 10-10.030; 1/2/03, 5/15/03
 reservation of rights; 7 CSR 10-10.090; 1/2/03, 5/15/03
motor carriers operations
 skill performance certificates; 7 CSR 10-25.010; 7/1/03
outdoor advertising
 beyond 600 feet of right-of-way; 7 CSR 10-6.050; 5/15/03
 definitions; 7 CSR 10-6.015; 5/15/03
 information; 7 CSR 10-6.010; 5/15/03
 judicial review; 7 CSR 10-6.100; 5/15/03
 permits; 7 CSR 10-6.070; 5/15/03
 removal; 7 CSR 10-6.080; 5/15/03
 review of notices; 7 CSR 10-6.090; 5/15/03
 signs
 directional; 7 CSR 10-6.020; 5/15/03
 nonconforming; 7 CSR 10-6.060; 5/15/03
 on-premises; 7 CSR 10-6.030; 5/15/03
 vegetation, cutting and trimming; 7 CSR 10-6.085; 5/15/03
 zoned areas; 7 CSR 10-6.040; 5/15/03
utility and private line utility facilities
 division of relocation costs; 7 CSR 10-3.040; 11/15/02, 4/15/03
 location and relocation; 7 CSR 10-3.010; 11/15/02, 4/15/03
 relocation costs; 7 CSR 10-3.040; 7/1/03

INSURANCE, DEPARTMENT OF

commercial inland marine; 20 CSR 500-1.210; 12/2/02, 6/2/03
customer information, safeguarding; 20 CSR 100-6.110; 11/1/02, 3/3/03
health maintenance organizations
 access plans; 20 CSR 400-7.095; 11/1/02, 3/17/03

licensing

business entity insurance producers; 20 CSR 700-1.110; 8/15/02, 1/16/03
long-term care; 20 CSR 400-4.100; 4/15/03
market conduct examinations; 20 CSR 300-2.200; 6/16/03
medical malpractice award; 20 CSR; 3/1/01, 3/1/02
mortgage guaranty, definitions; 20 CSR 500-10.100; 12/2/02, 6/2/03
records, market conduct exam; 20 CSR 300-2.200; 3/3/03, 6/16/03
settlements, standards; 20 CSR 100-1.060; 12/16/02
sovereign immunity limits; 20 CSR; 1/2/02, 12/16/02
workers' compensation; 20 CSR 500-6.960; 12/2/02, 6/2/03

INTERPRETERS, STATE COMMITTEE OF

principles, general; 4 CSR 232-3.010; 12/16/02, 4/1/03

LANDSCAPE ARCHITECTURAL COUNCIL**application**

business associations; 4 CSR 196-10.010; 12/2/02, 3/17/03
evaluation; 4 CSR 196-3.010; 12/2/02, 3/17/03
reconsideration of denied; 4 CSR 196-2.040; 12/2/02, 3/17/03
reviewing; 4 CSR 196-2.030; 12/2/02, 3/17/03
submitting; 4 CSR 196-2.020; 12/2/02, 3/17/03
certification; 4 CSR 196-4.010; 12/2/02, 3/17/03
complaint handling, routine matters; 4 CSR 196-7.010; 12/2/02, 3/17/03
definitions; 4 CSR 196-1.010; 12/2/02, 5/1/03
fees; 4 CSR 196-6.010; 12/2/02, 3/17/03
information, records; 4 CSR 196-12.010; 12/2/02, 3/17/03
organization; 4 CSR 196-1.020; 12/2/02, 3/17/03
registrant's identification; 4 CSR 196-9.010; 12/2/02, 3/17/03
students, recognition; 4 CSR 196-11.010; 12/2/02, 3/17/03
Uniform National Exam, Plant Material Exam; 4 CSR 196-5.010; 12/2/02, 3/17/03

LAND SURVEY**surveys, standards for property boundary**

accuracy standards for property boundaries; 10 CSR 30-2.040; 5/1/03
condominium surveys; 10 CSR 30-2.100; 5/1/03
definitions; 10 CSR 30-2.020; 5/1/03
land surveying requirements; 10 CSR 30-2.030; 5/1/03
monumentation, approved; 10 CSR 30-2.060; 5/1/03
original surveys; 10 CSR 30-2.080; 5/1/03
resurveys; 10 CSR 30-2.070; 5/1/03
subdivision surveys; 10 CSR 30-2.090; 5/1/03

LEAD PROGRAM

lead poisoning; 19 CSR 20-8.030; 3/3/03, 6/16/03

LIBRARY, STATE

computers, public access, filtering; 15 CSR 30-200.030; 12/2/02, 3/17/03

MEDICAID

dental program; 13 CSR 70-35.010; 7/15/02, 8/15/02, 1/2/03, 3/3/03
federal reimbursement allowance; 13 CSR 70-15.110; 6/2/03
optical care benefits; 13 CSR 70-40.010; 3/3/03, 4/1/03
recipient payments; 13 CSR 70-4.040; 6/2/03
specialty hospitals; 13 CSR 70-15.010; 3/17/03, 7/1/03

MEDICAL SERVICES, DIVISION OF

durable medical equipment; 13 CSR 70-60.010; 12/2/02, 2/18/03, 3/17/03
payment of claims, Medicare Part B; 13 CSR 70-3.065; 2/18/03

privacy, information; 13 CSR 70-1.020; 3/3/03
psychiatric/psychology/counseling/clinical social work program; 13 CSR 70-98.010; 6/16/03
rehabilitation center program; 13 CSR 70-65.010; 12/2/02, 2/18/03, 3/17/03
therapy program; 13 CSR 70-70.010; 12/2/02, 2/18/03, 4/1/03

MENTAL HEALTH, DEPARTMENT OF

access crisis intervention programs; 9 CSR 30-4.195; 10/1/02, 3/3/03
alcohol and drug abuse programs
certification; 9 CSR 30-3.032; 5/1/03
definitions, staff qualifications; 9 CSR 30-3.110; 11/1/02, 4/1/03
personnel; 9 CSR 10-7.110; 10/1/02, 3/3/03
certification; 9 CSR 10-7.130; 11/1/02, 3/3/03, 4/1/03
complaints of abuse, neglect; 9 CSR 10-5.200; 10/15/02, 6/16/03
mental retardation and developmental disabilities
certification; 9 CSR 45-5.060; 5/1/03
psychiatric and substance abuse programs
governing authority and administration; 9 CSR 10-7.090; 5/1/03
Privacy Rule; 9 CSR 10-5.220; 5/1/03
purchasing client services; 9 CSR 25-2.105; 11/1/02, 4/1/03

MILK BOARD, STATE

inspection fees; 2 CSR 80-5.010; 4/1/03

MOTOR CARRIER AND RAILROAD SAFETY

briefs and oral argument; 4 CSR 265-2.130; 12/16/02, 4/15/03
complaints; 4 CSR 265-2.070; 12/16/02, 4/15/03
conduct during proceedings; 4 CSR 265-4.020; 12/16/02, 4/15/03
continuances; 4 CSR 265-2.115; 12/16/02, 4/15/03
decisions of the division; 4 CSR 265-2.140; 12/16/02, 4/15/03
discovery and prehearings; 4 CSR 265-2.090; 12/16/02, 4/15/03
dismissal of cases; 4 CSR 265-2.085; 12/16/02, 4/15/03
evidence; 4 CSR 265-2.120; 12/16/02, 4/15/03
gratuities and private employment; 4 CSR 265-4.010; 12/16/02, 4/15/03
hearings; 4 CSR 265-2.110; 12/16/02, 4/15/03
interventions; 4 CSR 265-2.116; 12/16/02, 4/15/03
pleadings; 4 CSR 265-2.080; 12/16/02, 4/15/03
rehearings; 4 CSR 265-2.150; 12/16/02, 4/15/03
subpoenas and investigations; 4 CSR 265-2.100; 12/16/02, 4/15/03

MOTOR VEHICLE

advertising regulation; 12 CSR 10-26.100; 1/16/03, 5/1/03
marine application; 12 CSR 10-23.456; 7/1/03
notice of lien; 12 CSR 10-23.446; 5/15/03
temporary permits; 12 CSR 10-26.180; 6/16/03

MOTOR VEHICLE INSPECTION

definitions; 11 CSR 50-2.500; 12/2/02, 3/17/03
general information; 11 CSR 50-2.510; 12/2/02, 3/17/03
homemade trailers; 11 CSR 50-2.430; 4/1/03, 7/1/03
procedures; 11 CSR 50-2.520; 12/2/02, 3/17/03
vehicle identification, odometer reading; 11 CSR 50-2.440; 4/1/03, 7/1/03

NEWBORN SCREENING HEARING PROGRAM

methodologies and procedures; 19 CSR 40-9.020; 3/3/03, 6/16/03

NURSING HOME ADMINISTRATORS, BOARD OF

complaints, public; 19 CSR 73-2.085; 3/3/03, 7/1/03
course of instruction; 19 CSR 73-2.031; 3/3/03, 7/1/03
disciplinary action; 19 CSR 73-2.090; 3/3/03, 7/1/03
fees; 19 CSR 73-2.015; 3/3/03, 7/1/03
licensure; 19 CSR 73-2.020; 3/3/03, 7/1/03
by reciprocity; 19 CSR 73-2.025; 3/3/03, 7/1/03

organization; 19 CSR 73-1.010; 3/3/03, 7/1/03
renewal of license; 19 CSR 73-2.050; 3/3/03, 7/1/03
expired; 19 CSR 73-2.055; 3/3/03, 7/1/03
standards of professional conduct; 19 CSR 73-2.095; 3/3/03,
7/1/03
status, retired licensure; 19 CSR 73-2.051; 3/3/03, 7/1/03
temporary emergency license; 19 CSR 73-2.080; 3/3/03, 7/1/03
training agencies, registration; 19 CSR 73-2.060; 3/3/03, 7/1/03

NURSING HOME PROGRAM

enhancement pools; 13 CSR 70-10.150; 11/15/02, 3/3/03
reimbursement plan; 13 CSR 70-10.015; 1/16/03, 5/15/03

NURSING, STATE BOARD OF

collaborative practice; 4 CSR 200-4.200; 12/2/02, 5/1/03
fees; 4 CSR 200-4.010; 3/17/03, 7/1/03

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

competency requirements; 4 CSR 205-5.010; 12/2/02, 3/17/03
inactive status; 4 CSR 205-3.050; 12/2/02, 3/17/03
license renewal; 4 CSR 205-3.040; 12/2/02, 3/17/03
permit, limited; 4 CSR 205-3.030; 12/2/02, 3/17/03
reinstatement; 4 CSR 205-3.060; 12/2/02, 3/17/03
supervision; 4 CSR 205-4.010; 12/2/02, 3/17/03

ORGANIC PROGRAM

advisory board; 2 CSR 70-16.020; 2/18/03, 7/1/03
certificates issued; 2 CSR 70-16.050; 2/18/03, 7/1/03
certifying agent; 2 CSR 70-16.075; 2/18/03, 7/1/03
complaints, investigations; 2 CSR 70-16.040; 2/18/03, 7/1/03
compliance enforcement; 2 CSR 70-16.045; 2/18/03, 7/1/03
definitions; 2 CSR 70-16.010; 2/18/03, 7/1/03
inspections, sampling
certification; 2 CSR 70-16.035; 2/18/03, 7/1/03
registration; 2 CSR 70-16.065; 2/18/03, 7/1/03
marketing; 2 CSR 70-16.070; 2/18/03, 7/1/03
NOP standards; 2 CSR 70-16.015; 2/18/03, 7/1/03
procedures, certification; 2 CSR 70-16.025; 2/18/03, 7/1/03
records; 2 CSR 70-16.030; 2/18/03, 7/1/03
registration; 2 CSR 70-16.060; 2/18/03, 7/1/03
seal; 2 CSR 70-16.055; 2/18/03, 7/1/03

PARENTAL RIGHTS

attorney fees
termination cases; 13 CSR 40-30.020; 12/16/02, 5/15/03

PEACE OFFICER STANDARDS AND TRAINING (POST) PROGRAM

basic training curricula, objectives; 11 CSR 75-14.030; 6/2/03
courses, standards, certified basic training; 11 CSR 75-14.050;
12/16/02, 3/17/03
instructors
basic requirements; 11 CSR 75-14.080; 6/2/03
peace officer licenses
classification; 11 CSR 75-13.010; 6/2/03
new license; 11 CSR 75-13.020; 3/3/03
notification of change in status; 11 CSR 75-13.100; 6/3/02,
9/3/02
providers license; 11 CSR 75-15.030; 12/2/02, 3/3/03

PERFUSIONISTS, LICENSING OF CLINICAL

education, continuing; 4 CSR 150-8.140; 1/16/03, 5/1/03

PERSONNEL ADVISORY BOARD

broad classification for bands of managers; 1 CSR 20-2.015;
2/3/03, 5/15/03

PHARMACY PROGRAM

permits; 4 CSR 220-2.020; 1/2/03, 5/1/03
reimbursement allowance; 13 CSR 70-20.320; 3/3/03, 7/1/03

standards of operation

Class J, shared services; 4 CSR 220-2.650; 1/2/03
sterile pharmaceuticals; 4 CSR 220-2.200; 1/2/03, 6/16/03

PHARMACY, STATE BOARD OF

automated dispensing, storage system; 4 CSR 220-2.900; 3/17/03
compounding standards; 4 CSR 220-2.400; 1/2/03, 6/16/03
distributor, licensing; 4 CSR 220-5.020; 7/1/03
drug repackaging; 4 CSR 220-2.130; 3/3/03, 7/1/03
educational, licensing requirements; 4 CSR 220-2.030; 5/1/03
patient counseling; 4 CSR 220-2.190; 12/16/02, 5/1/03
standards of operation; 4 CSR 220-2.010; 8/1/02, 3/17/03
Class J, shared services; 4 CSR 220-2.650; 1/2/03, 5/1/03
sterile pharmaceuticals; 4 CSR 220-2.200; 1/2/03, 6/16/03
technician registration; 4 CSR 220-2.700; 12/16/02, 5/1/03

PHYSICAL THERAPISTS/ASSISTANTS

definitions; 4 CSR 150-3.200; 12/16/02, 4/1/03

PHYSICIAN LOAN AND TRAINING PROGRAMS

J-1 visa waiver program; 19 CSR 10-4.020; 1/2/03, 4/15/03

PHYSICIANS AND SURGEONS

license reinstatement; 4 CSR 150-2.150; 12/16/02, 4/1/03

PODIATRIC MEDICINE, DIVISION OF

fees; 4 CSR 230-2.070; 1/16/03, 5/1/03

PSYCHOLOGISTS, STATE COMMITTEE OF

fees; 4 CSR 235-1.020; 3/17/03, 7/1/03

PUBLIC DRINKING WATER PROGRAM

abatement orders; 10 CSR 60-6.050; 4/15/03
analysis, procedures; 10 CSR 60-5.010; 5/15/03
contaminant levels
disinfection by-products; 10 CSR 60-4.090; 4/15/03
inorganic chemicals; 10 CSR 60-4.030; 4/15/03
maximum; 10 CSR 60-4.010; 5/15/03
microbiological; 10 CSR 60-4.020; 4/15/03
secondary; 10 CSR 60-4.070; 4/15/03
synthetic organic chemicals; 10 CSR 60-4.040; 4/15/03
turbidity and backwash recycling; 10 CSR 60-4.050; 4/15/03
volatile organic chemicals; 10 CSR 60-4.100; 4/15/03
definitions; 10 CSR 60-2.015; 4/15/03
disinfection requirements; 10 CSR 60-4.055; 4/15/03
notification, public; 10 CSR 60-8.010; 4/15/03
records, requirements for maintaining; 10 CSR 60-9.010; 4/15/03
reporting requirements; 10 CSR 60-7.010; 4/15/03
reports, consumer confidence; 10 CSR 60-8.030; 4/15/03

PUBLIC SERVICE COMMISSION

applications; 4 CSR 240-2.060; 9/16/02, 3/3/03
cold weather rule; 4 CSR 240-13.055; 12/3/01, 9/16/02, 3/3/03
definitions; 4 CSR 240-3.010; 9/16/02, 3/3/03
discontinuance of service; 4 CSR 240-33.070; 12/2/02, 6/2/03
electric utilities
annual rates; 4 CSR 240-3.165; 9/16/02, 3/3/03
acquire stock of public utility; 4 CSR 240-3.125; 9/16/02,
3/3/03
certificate of convenience, necessity; 4 CSR 240-3.105;
9/16/02, 3/3/03
change of electrical suppliers; 4 CSR 240-3.140; 9/16/02,
3/3/03
cogeneration; 4 CSR 240-20.060; 9/16/02, 3/3/03
tariff filings; 4 CSR 240-3.155; 9/16/02, 3/3/03
cold weather report, submission; 4 CSR 240-3.180; 9/16/02,
3/3/03, 6/2/03
decommissioning of electric plants; 4 CSR 240-3.185;
9/16/02, 3/3/03
definitions; 4 CSR 240-3.100; 9/16/02, 3/3/03
depreciation studies; 4 CSR 240-3.175; 9/16/02, 3/3/03

- events, reporting requirement; 4 CSR 240-20.080; 9/16/02, 3/3/03
- general rate increase; 4 CSR 240-3.160; 9/16/02, 3/3/03
- issue stock, bonds, notes; 4 CSR 240-3.120; 9/16/02, 3/3/03
- merge, consolidate; 4 CSR 240-3.115; 9/16/02, 3/3/03
- net metering; 4 CSR 240-20.065; 4/15/03
- promotional practices; 4 CSR 240-3.150; 9/16/02, 3/3/03
- rate schedules; 4 CSR 240-3.145, 4 CSR 240-20.010; 9/16/02, 3/3/03
- reporting requirements; 4 CSR 240-3.190; 9/16/02, 3/3/03
- schedule of fees; 4 CSR 240-3.135, 4 CSR 240-21.010; 9/16/02, 3/3/03
- sell, assign, lease, transfer assets; 4 CSR 240-3.110; 9/16/02, 3/3/03
- trust funds, decommissioning; 4 CSR 240-20.070; 9/16/02, 3/3/03
- uniform system of accounts; 4 CSR 240-20.030; 9/16/02, 3/3/03
- electric service territorial agreements; 4 CSR 240-3.130; 9/16/02, 3/3/03
- energy sellers; 4 CSR 240-45.010; 9/16/02, 3/3/03
- filing requirements; 4 CSR 240-3.030; 9/16/02, 3/3/03
- gas utilities
 - acquire property, eminent domain; 4 CSR 240-3.230; 9/16/02, 3/3/03
 - acquire stock of public utility; 4 CSR 240-3.225; 9/16/02, 3/3/03
 - certificate of convenience, necessity; 4 CSR 240-3.205; 9/16/02, 3/3/03
 - cold weather report, submission; 4 CSR 240-3.250; 9/16/02, 3/3/03, 6/2/03
 - conversion of service, upgrading; 4 CSR 240-3.295; 9/16/02, 3/3/03
 - definitions; 4 CSR 240-3.200; 9/16/02, 3/3/03
 - depreciation studies; 4 CSR 240-3.275; 9/16/02, 3/3/03
 - drug, alcohol testing plans; 4 CSR 240-3.280; 9/16/02, 3/3/03
 - issue stock, bonds, notes; 4 CSR 240-3.220; 9/16/02, 3/3/03
 - merge, consolidate; 4 CSR 240-3.215; 9/16/02, 3/3/03
 - natural gas price volatility mitigation; 4 CSR 240-40.018; 6/2/03
 - pipelines, transportation; 4 CSR 240-3.270; 9/16/02, 3/3/03
 - promotional practices; 4 CSR 240-3.255; 9/16/02, 3/3/03
 - rate increase
 - general; 4 CSR 240-3.235; 9/16/02, 3/3/03
 - small company; 4 CSR 240-3.240; 9/16/02, 3/3/03
 - rate schedules; 4 CSR 240-3.260, 4 CSR 240-40.010; 9/16/02, 3/3/03
 - reports
 - annual; 4 CSR 240-3.245; 9/16/02, 3/3/03
 - incident, annual, safety conditions; 4 CSR 240-3.290; 9/16/02, 3/3/03
 - sell, assign, lease, transfer assets; 4 CSR 240-3.210; 9/16/02, 3/3/03
 - sellers, gas certification; 4 CSR 240-3.285; 9/16/02, 3/3/03
 - uniform system of accounts; 4 CSR 240-40.040; 9/16/02, 3/3/03
- heating companies
 - uniform system of accounts; 4 CSR 240-80.020; 9/16/02, 3/3/03
- manufactured home
 - inspection fee; 4 CSR 240-120.140; 2/18/03, 3/17/03, 6/16/03
 - modular units; 4 CSR 240-123.095; 6/2/03
 - new; 4 CSR 240-120.085; 6/2/03
 - pre-owned; 4 CSR 240-121.065; 6/2/03
 - seals; 4 CSR 240-123.030; 2/18/03, 6/16/03
- Missouri Universal Service Fund
 - assessments for funding; 4 CSR 240-31.060; 12/2/02, 6/2/03
 - collection of surcharge from end-user subscribers; 4 CSR 240-31.065; 12/2/02, 6/2/03
 - definitions; 4 CSR 240-31.010; 12/2/02, 6/2/03
 - eligibility for funding; 4 CSR 240-31.050; 12/2/02, 6/2/03
 - modular homes, seals; 4 CSR 240-123.030; 3/17/03
 - name changes, filing; 4 CSR 240-3.020; 9/16/02, 3/3/03
 - promotional practices; 4 CSR 240-14.040; 9/16/02, 3/3/03
 - rate increase requests; 4 CSR 240-10.070; 9/16/02, 3/3/03
 - reports, annual filing requirements; 4 CSR 240-10.080; 9/16/02, 3/3/03
- sewer utility
 - acquire stock of public utility; 4 CSR 240-3.325; 9/16/02, 3/3/03
 - certificate of convenience, necessity; 4 CSR 240-3.305; 9/16/02, 3/3/03
 - definitions; 4 CSR 240-3.300; 9/16/02, 3/3/03
 - issue stock, bonds, notes; 4 CSR 240-3.320; 9/16/02, 3/3/03
 - merge, consolidate; 4 CSR 240-3.315; 9/16/02, 3/3/03
 - rate increase; 4 CSR 240-3.330; 9/16/02, 3/3/03
 - reports, annual; 4 CSR 240-3.335; 9/16/02, 3/3/03
 - sell, assign, lease, transfer assets; 4 CSR 240-3.310; 9/16/02, 3/3/03
 - tariff schedules; 4 CSR 240-3.340, 4 CSR 240-60.030; 9/16/02, 3/3/03
- small company, rate increase; 4 CSR 240-2.200; 9/16/02, 3/3/03
- steam heating
 - acquire stock of public utility; 4 CSR 240-3.420; 9/16/02, 3/3/03
 - certificate of convenience, necessity; 4 CSR 240-3.400; 9/16/02, 3/3/03
 - issue stock, bonds, notes; 4 CSR 240-3.415; 9/16/02, 3/3/03
 - merge, consolidate; 4 CSR 240-3.410; 9/16/02, 3/3/03
 - rate schedules; 4 CSR 240-3.425, 4 CSR 240-80.010; 9/16/02, 3/3/03
 - reports, annual; 4 CSR 240-3.435; 9/16/02, 3/3/03
 - sell, assign, lease, transfer assets; 4 CSR 240-3.405; 9/16/02, 3/3/03
- tariff filings, cases; 4 CSR 240-3.025; 9/16/02, 3/3/03
- telecommunications companies
 - acquire stock of public utility; 4 CSR 240-3.535; 9/16/02, 3/3/03
 - certificates of authority; 4 CSR 240-3.515; 9/16/02, 3/3/03
 - customer-owned coin telephone; 4 CSR 240-3.505; 9/16/02, 3/3/03
 - definitions; 4 CSR 240-3.500; 9/16/02, 3/3/03
 - filing requirements; 4 CSR 240-3.510; 9/16/02, 3/3/03
 - inquiries, residential customers; 4 CSR 240-3.555; 9/16/02, 3/3/03
 - issue stock, bonds, notes; 4 CSR 240-3.530; 9/16/02, 3/3/03
 - merge, consolidate; 4 CSR 240-3.525; 9/16/02, 3/3/03
 - rate schedules; 4 CSR 240-3.545; 9/16/02, 3/3/03
 - records and reports; 4 CSR 240-3.550, 4 CSR 240-32.030; 9/16/02, 3/3/03
 - reports, annual; 4 CSR 240-3.540; 9/16/02, 3/3/03
 - residential customer inquiries; 4 CSR 240-33.060; 9/16/02, 3/3/03
 - sell, assign, lease, transfer assets; 4 CSR 240-3.520; 9/16/02, 3/3/03
- telephone corporations, reporting
 - rate schedules; 4 CSR 240-30.010; 9/16/02, 3/3/03
- waivers, variances; 4 CSR 240-3.015; 9/16/02, 3/3/03
- water utilities
 - acquire stock of public utility; 4 CSR 240-3.620; 9/16/02, 3/3/03
 - certificate of convenience, necessity; 4 CSR 240-3.600; 9/16/02, 3/3/03
 - filing requirements; 4 CSR 240-3.625; 9/16/02, 3/3/03
 - issue stock, bonds, notes; 4 CSR 240-3.615; 9/16/02, 3/3/03
 - merge, consolidate; 4 CSR 240-3.610; 9/16/02, 3/3/03
 - rate increase; 4 CSR 240-3.635; 9/16/02, 3/3/03
 - rate schedules; 4 CSR 240-3.645, 4 CSR 240-50.010; 9/16/02, 3/3/03
 - reports, annual; 4 CSR 240-3.640; 9/16/02, 3/3/03

schedule of fees; 4 CSR 240-3.630; 4 CSR 240-51.010;
9/16/02, 3/3/03
sell, assign, lease, transfer assets; 4 CSR 240-3.605; 9/16/02,
3/3/03

PURCHASING AND MATERIALS MANAGEMENT

waiver of
bidding procedures; 1 CSR 40-1.090; 7/1/02, 4/15/03
Mental Health services; 1 CSR 40-1.090; 1/2/03

RECORDS MANAGEMENT

administration; 15 CSR 30-45.030; 3/3/03, 6/16/03

RETIREMENT SYSTEMS

benefits, normal retirement; 16 CSR 50-2.090; 1/16/03, 5/1/03
county employees' deferred compensation plan
separation from service; 16 CSR 50-2.040; 1/16/03, 5/1/03
county employees' defined contribution plan
contributions; 16 CSR 50-10.030; 12/2/02, 3/17/03
employee contributions; 16 CSR 50-2.020; 1/16/03, 5/1/03
creditable service; 16 CSR 50-3.010; 1/16/03, 5/1/03
highways and transportation employees, highway patrol
disability benefits for year 2000 plan; 16 CSR 40-3.130;
12/2/02, 4/1/03
normal retirement benefit; 16 CSR 50-2.090; 6/2/03
organization; 16 CSR 10-1.010; 3/17/03, 7/1/03
payment of benefits; 16 CSR 50-2.035; 6/2/03
source of pension funds; 16 CSR 50-2.080; 1/16/03, 5/1/03

SECRETARY OF STATE

business services
redaction of Social Security numbers and birth dates;
15 CSR 30-80.010; 5/15/03

SECURITIES, DIVISION OF

application
renewal, sales representative; 15 CSR 30-59.060; 3/17/03
registration or notice filings; 15 CSR 30-51.020; 3/17/03
bonds
broker-dealer, sales representative; 15 CSR 30-59.050;
3/17/03
completion; 15 CSR 30-52.310; 10/1/02, 1/16/03, 2/18/03
exemptions
general; 15 CSR 30-54.010; 3/17/03
not-for-profit securities; 15 CSR 30-54.070; 3/17/03
stock exchange listed securities; 15 CSR 30-54.060; 3/17/03
transactions, quotation systems; 15 CSR 30-54.220; 3/17/03
transactions, Regulation D; 15 CSR 30-54.210; 3/17/03
fees; 15 CSR 30-50.030; 1/2/03, 4/15/03
instructions, general; 15 CSR 30-59.020; 3/17/03
notice filings, investment companies; 15 CSR 30-54.015; 3/17/03
reports, completion of registration; 15 CSR 30-52.310; 5/15/03
requirements; 15 CSR 30-51.160; 10/1/02, 1/16/03;
15 CSR 30-59.170; 3/17/03

SENIOR SERVICES, DIVISION OF

funding formula; 19 CSR 15-4.050; 5/1/03

SOCIAL WORKERS, STATE COMMITTEE OF

application
clinical social worker; 4 CSR 263-2.050; 12/2/02, 5/1/03
licensed baccalaureate social worker; 4 CSR 263-2.052;
12/2/02, 5/1/03
complaint handling and disposition; 4 CSR 263-1.025; 12/2/02,
5/1/03
definitions; 4 CSR 263-1.010; 12/2/02, 5/1/03
educational requirements; 4 CSR 263-2.020; 12/2/02, 5/1/03
baccalaureate social workers; 4 CSR 263-2.022; 12/2/02,
5/1/03

experience, supervised; 4 CSR 263-2.030; 12/2/02, 5/1/03
registration of work; 4 CSR 263-2.032; 12/2/02, 5/1/03
fees; 4 CSR 263-1.035; 12/2/02, 5/1/03
licensure

provisional licensed; 4 CSR 263-2.045; 12/2/02, 5/1/03
provisional licensed baccalaureate; 4 CSR 263-2.047;
12/2/02, 5/1/03

reciprocity
licensed clinical social worker; 4 CSR 263.2.060;
12/2/02, 5/1/03

licensed baccalaureate; 4 CSR 263-2.062; 12/2/02,
5/1/03

organization; 4 CSR 263-1.015; 12/2/02, 5/1/03

permits, temporary licensed
baccalaureate social worker; 4 CSR 263-2.072; 12/2/02,
5/1/03

clinical social worker; 4 CSR 263-2.070; 12/2/02, 5/1/03

renewal of license; 4 CSR 263-2.075; 12/2/02, 5/1/03

supervisors; 4 CSR 263-2.031; 12/2/02, 5/1/03

SOIL AND WATER DISTRICTS COMMISSION

special area land treatment (SALT) program
administration; 10 CSR 70-8.010; 12/16/02, 5/15/03
application
cost-share funds; 10 CSR 70-8.020; 12/16/02, 5/15/03
loan interest share funds; 10 CSR 70-8.080; 12/16/02,
5/15/03
availability of loan interest share funds; 10 CSR 70-8.070;
12/16/02, 5/15/03
commission administration; 10 CSR 70-8.060; 12/16/02,
5/15/03
cost-share rates; 10 CSR 70-8.040; 12/16/02, 5/15/03
design, layout, construction; 10 CSR 70-8.030; 12/16/02,
5/15/03
district administration
cost-share program; 10 CSR 70-8.050; 12/16/02, 5/15/03
loan interest share program; 10 CSR 70-8.110;
12/16/02, 5/15/03
eligibility of costs; 10 CSR 70-8.100; 12/16/02, 5/15/03
operation, maintenance; 10 CSR 70-8.090; 12/16/02, 5/15/03
process and commission administration; 10 CSR 70-8.120;
12/16/02, 5/15/03

TATTOOING, BODY PIERCING AND BRANDING

practitioners, temporary; 4 CSR 267-4.020; 5/15/03

TAX, INCOME

annual adjusted rate of interest; 12 CSR 10-41.010; 12/2/02,
3/17/03
returns, Missouri consolidated; 12 CSR 10-2.045; 12/2/02, 5/1/03

TAX, SALES/USE

carbon dioxide gas; 12 CSR 10-3.270; 12/16/02, 4/1/03
canteens, gift shops; 12 CSR 10-3.422; 12/16/02, 4/1/03
clubs, places of amusement; 12 CSR 10-3.048; 12/16/02, 4/1/03
coins and bullion; 12 CSR 10-3.124; 11/15/02, 3/3/03
common carriers;
exemption certificates; 12 CSR 10-3.304; 12/16/02, 4/1/03
electrical energy; 12 CSR 10-110.600; 11/15/02, 4/1/03
12 CSR 10-3.358; 12/16/02, 4/1/03
exemption certificate; 12 CSR 10-3.514; 12/16/02, 4/1/03
possession, delivery; 12 CSR 10-3.538; 12/16/02, 4/1/03
farm machinery; 12 CSR 10-110.900; 12/16/02, 4/1/03, 5/1/03
fireworks; 12 CSR 10-3.010; 12/16/02, 4/1/03
gifts, promotional, premiums; 12 CSR 10-3.038; 12/16/02, 4/1/03
guidelines, when title passes; 12 CSR 10-3.150; 12/16/02, 4/1/03
lease or rental; 12 CSR 10-3.226; 12/16/02, 4/1/03
letters of exemption; 12 CSR 10-110.950; 11/15/02, 3/3/03
maintenance charges; 12 CSR 10-3.232; 12/16/02, 4/1/03
manufacturing equipment; 12 CSR 10-111.010; 11/15/02, 4/1/03,
5/1/03

marketing organizations; 12 CSR 10-3.860; 12/16/02, 4/1/03
material recovery processing plant; 12 CSR 10-111.060; 11/15/02,
4/1/03
photographers; 12 CSR 10-3.088; 12/16/02, 4/1/03
printers; 12 CSR 10-3.348; 12/16/02, 4/1/03
railroad rolling stock; 12 CSR 10-3.356; 12/16/02, 4/1/03
repair parts, leased or rented equipment; 12 CSR 10-3.230;
12/16/02, 4/1/03
resale exemption certificates; 12 CSR 10-3.532; 12/16/02, 4/1/03
sale, when consummates; 12 CSR 10-3.148; 12/16/02, 4/1/03
successor liability; 12 CSR 10-3.500; 12/16/02, 4/1/03
transportation fares; 12 CSR 10-3.222; 12/16/02, 4/1/03
water or air pollution installation contractor; 12 CSR 10-3.372;
12/16/02, 4/1/03

UNEMPLOYMENT INSURANCE

direct deposit, benefits; 8 CSR 10-3.130; 5/15/03
registration, claims; 8 CSR 10-3.010; 3/17/03, 7/1/03

VETERINARY MEDICAL BOARD, MISSOURI

application; 4 CSR 270-1.031; 5/1/03
complaint handling; 4 CSR 270-7.010; 5/1/03
education, continuing; 4 CSR 270-4.042; 5/1/03
fees; 4 CSR 270-1.021; 5/1/03
licensure (exemption); 4 CSR 270-2.051; 5/1/03
practice techniques, standards; 4 CSR 270-4.031; 5/1/03
supervision, standards; 4 CSR 270-4.060; 5/1/03

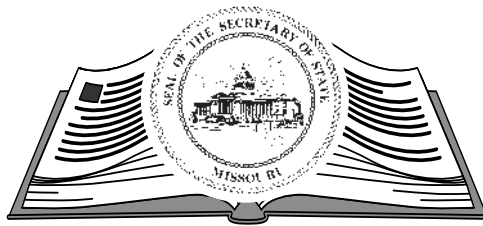
VOTING PROCEDURES

eligibility for provisional ballots to be counted; 15 CSR 30-8.020;
11/1/02, 11/15/02, 3/17/03
provisional ballots, envelopes; 15 CSR 30-8.010; 11/1/02,
11/15/02, 3/17/03
voter identification affidavit; 15 CSR 30-3.010; 11/1/02, 11/15/02,
3/17/03
write-in stickers; 15 CSR 30-9.040; 11/1/02, 11/15/02, 3/17/03

WORKERS COMPENSATION

review of awards, orders by ALJs; 8 CSR 20-3.030; 2/18/03,
7/1/03

The *official*
source of
information on
Missouri state
regulations



Contact us at: phone: (573) 751-4015 or e-mail: rules@sosmail.state.mo.us

ORDER FORM

- ☐ Enclosed is my check for \$56 as payment in advance for one year of the *Missouri Register*
Please start my subscription with the _____ issue.
- ☐ Enclosed is my check for \$330 for the *Code of State Regulations*
- ☐ This is a subscription renewal

Please make checks payable to: **Secretary of State** or alternatively call us to charge your MasterCard or Visa

Mail to: MATT BLUNT
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION
PO Box 1767
JEFFERSON CITY, MO 65102

name or firm (please type or print)

attn:

PO box number

street address

city

state

zip

**REVIEWING YOUR RULES IN THE
*CODE OF STATE REGULATIONS***

Have you looked at the text of your agency's rules lately?

Rules are like old clothes in the closet—they need to be reviewed periodically. Do they still “fit” your agency's needs?

Do they need to be updated or discarded?

Call Administrative Rules for the easiest way to update your agency rules—573-751-4015.

Office of the Secretary of State

MATT BLUNT

07/01/03

MATT BLUNT

SECRETARY OF STATE

PO Box 1767

JEFFERSON CITY, MO 65102

Periodical
Postage Paid at
Jefferson City,
MO